

**ORDINANCE No. 29-09**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND REPEALING  
THE MORATORIUM ON THE CONSTRUCTION, STRUCTURAL ALTERATION OR  
RELOCATION OF PERMANENT SIGNS AND ENACTING NEW PROVISIONS OF THE  
RICHMOND MUNICIPAL CODE SETTING FORTH SIGN STANDARDS**

**SECTION 1.** Following a duly noticed public hearing, the City Council of the City of Richmond hereby finds and determines:

- A. On July 7, 2009, the City Council repealed former Municipal Code Chapter 15.06 (Use and Display of Signs), adopted a 120-day moratorium on the erection, alteration, demolition, reconstruction, enlargement, or relocation of permanent signs throughout the City, and directed staff to prepare a new, permanent ordinance governing the use and display of signs. The moratorium expires on November 4, 2009.
- B. Residents and businesses in Richmond desire to express their ideas and advertise their goods and services through permanent and temporary signs.
- C. Without regulation of their use and display, signs could be erected in a manner that detracts from the aesthetic value of the City's communities. For example, large signs could be erected in residential neighborhoods; signs could be erected along scenic corridors, blocking the view of the San Francisco Bay; or businesses, competing for space, could clutter commercial areas with numerous, clashing signs.
- D. Without regulation, signs could be located on sidewalks or other public rights-of-way, interfering with pedestrian and vehicular traffic and posing a danger to drivers and pedestrians.
- E. Without regulation, bright, flashing, or illuminated signs could be displayed anywhere in the City, interfering with the use and enjoyment of neighboring properties and causing safety hazards by distracting passing drivers.
- F. Without regulation, temporary signs, constructed of paper and other lightweight materials, could be left on display indefinitely. When exposed to the elements, these signs fall apart, contributing to litter and blight.
- G. Under the direction of the City Council, City staff prepared a draft sign ordinance to prevent the adverse impacts of unregulated signage.
- H. The ordinance does not regulate the content of signs, but only their size, number, location, and other physical or design attributes.

- I. On August 11, 2009, the City released the draft ordinance for public review.
- J. On August 13, 2009, the City held a public workshop to discuss the draft ordinance. Attendees at the workshop included members of the business community, citizens from various neighborhoods, and members of the Design Review Board, as well as City staff and consultants.
- K. In response to comments made at the August 13 public workshop, staff modified the proposed ordinance and released a second public review draft on August 26, 2009.
- L. A Negative Declaration has been prepared which conforms with all requirements of the California Environmental Quality Act (CEQA) and adequately evaluates the potential environmental impacts associated with (i) ending the City's moratorium on issuing permits to erect, construct, install, structurally alter or relocate permanent signs, and (ii) enacting an ordinance adding Chapter 15.06 to the Richmond Municipal Code governing the use and display of signs.
- M. Prior to approving any action to repeal the moratorium and enact an ordinance governing the use and display of signs, by separate resolution, the City Council adopted the Negative Declaration for the project.
- N. The proposed ordinance regulating the use and display of signs is the least restrictive means to achieve important government interests in (i) promoting the aesthetic and commercial goals of the City's General Plan; (ii) ensuring the orderly development of property within the City; (iii) ensuring traffic safety and the safety of pedestrians; (iv) providing safety standards for the location, erection, and maintenance of signs; and (v) preserving and enhancing the visual character of open space, residential, commercial, and waterfront areas.
- O. The proposed ordinance provides clear objective guidelines for minimizing the visual clutter of signs and maintaining the aesthetic integrity of Richmond neighborhoods.

**SECTION 2.** The City Council of the City of Richmond hereby ordains that Richmond Municipal Code Chapter 15.06 as set forth in Ordinance Number 19-09 is repealed and replaced with Chapter 15.06 (Use and Display of Signs) to read as follows:

**Chapter 15.06  
USE AND DISPLAY OF SIGNS**

- 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**
  - A. Signs Allowed in Any District**
  - B. Signs Allowed in Residential Districts**
  - C. Signs Allowed in C-1 District**
  - D. Signs Allowed in C-2, C-3, C-B and P-C Districts**
  - E. Signs Allowed in M-2, M-3 and M-4 Districts**
  - F. Signs Allowed in M-1 and C-C Districts**
  - G. Signs Allowed in All Other Districts**
- 15.06.100 Special Sign Regulations**
- 15.06.110 Special Regulations For Closed Business Signs**
- 15.06.120 Sign Maintenance**
- 15.06.130 Non-conforming Signs**
- 15.06.140 Prohibited Signs**
- 15.06.150 Variance Findings**

**15.06.010 Title**

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

**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:

- A. To implement the purposes, policies and programs of the Richmond General Plan and Specific Plans;
- B. 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 ;
- C. 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;
- D. To improve the visual appearance of city streets and the image of the city derived by residents and visitors;

- E. To protect public safety by ensuring that signs are not constructed, located, erected, and maintained in a hazardous manner;
- F. To protect public safety by ensuring proper location and design of signs to reduce distractions to motorists and other users of streets and highways;
- G. To protect the rights of residents and businesses to communicate ideas and messages through signage as guaranteed by the United States and California constitutions;
- H. To attract and direct the public to available activities, goods and services; and
- I. To provide clear objective guidelines for minimizing the visual clutter of signs and maintaining the aesthetic integrity of Richmond neighborhoods.

#### **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.

#### **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.

“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 non-conforming 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.

“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.

“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.

#### **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 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 15 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.

#### **15.06.051 Permits for Multiple Temporary Signs.**

- A. 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 pursuant to section 15.06.050. In addition to the requirements set forth in section 15.06.050, an applicant for a permit for multiple temporary signs must provide the following information:
  - i. The name and address of the person(s) responsible for erecting or distributing, maintaining and removing the multiple temporary signs; and
  - ii. 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.
  
- B. Upon approval of the application, the Zoning Administrator shall issue a permit subject to the following terms and conditions:
  - i. The Zoning Administrator shall assign an identification number (ID#) to the sign plan, and such number shall be referred to in the permit;
  - ii. Each sign and supporting structure placed, erected, or installed pursuant to the permit shall bear the ID# assigned to the drawing;
  - iii. On signs, the ID# shall be located in the lower right-hand corner of the sign;
  - iv. On supporting structures, the ID# shall be located on a visible portion of the supporting structure;
  - v. All ID#s shall be printed in lettering at least one-fourth inch high.
  - vi. 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. 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.

#### **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.

#### **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.

#### **15.06.070 Exempted Signs**

- A. Provisions of this chapter shall not apply to the placement of any of the following signs:
  - i. OFFICIAL NOTICES. Official public notices, and notices posted by public officers in performance of their duties.
  - ii. REGULATORY AND WARNING SIGNS. Governmental and other signs for control of traffic and other regulatory purposes, including street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger or aids to service or safety, including signs showing the placement or location of underground public utility facilities.
- 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.

#### **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 shall not exceed five footcandles. 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.

#### **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 secured to public streetlights, trees, or other street furniture or be bolted to the ground.

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:
  - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed six (6) square feet per lot equivalent; and
  - ii. 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:
  - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed twelve (12) square feet per lot equivalent; and
  - ii. 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:
  - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed twenty (20) square feet per subdivision; and
  - ii. No sign allowed pursuant to this paragraph shall exceed six (6) feet in height.
- d. On commercial or public buildings, wall signs, provided that:
  - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed fifty percent (50%) of building frontage; and
  - ii. 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:
  - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed sixteen (16) square feet per lot equivalent.
  - ii. 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%) 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, provided that:
  - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed sixty (60) square feet in area or thirty-three percent (33%) of 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 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.

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..

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.

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

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.

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

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

### **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.

#### **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.

#### **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.

#### **15.06.130 Non-conforming Signs**

Non-conforming signs lawfully existing on the date this ordinance becomes effective need not conform to this 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.

### **15.06.140 Prohibited Signs**

A. Except for legally non-conforming 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.

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.

### **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 decision shall be governed by the criteria set forth in this Chapter. The City Council shall issue written findings in support of its decision.

**SECTION 3.** The City Council of the City of Richmond hereby further ordains that Richmond Municipal Code Sections 4.04.040(J) and 4.04.050(E)(2) shall be repealed, and Section 4.04.040(K)(i) shall be revised as follows (i) Prohibited Locations. Signs shall be prohibited in a public street, sidewalk, public way, place or public property except as provided for in this code.”

**SECTION 4. SEVERABILITY.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance becomes effective 30 days after its final passage and adoption. First reading at a regular meeting of the Council of the City of Richmond held September 15, 2009 and finally passed and adopted at a regular meeting thereof held **September 22, 2009**, by the following vote:

Ayes: Councilmembers Bates, Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin

Noes: None

Absent: Councilmember Viramontes

**Diane Holmes**  
CLERK OF THE CITY OF RICHMOND

Approved:

**Gayle McLaughlin**  
Mayor

Approved as to Form:

**Randy Riddle**  
City Attorney