



Department of Conservation and Development
County Planning Commission
Wednesday, November 10, 2021 – 6:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Zoning Code Text Amendment Related to Signs
County File(s):	ZT19-0002
Applicant:	Contra Costa County
Owner:	Contra Costa County
General Plan/Zoning:	Countywide
Site Address/Location:	Countywide
California Environmental Quality Act (CEQA) Status:	The project is exempt under Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.
Project Planner:	Jennifer Cruz, Principal Planner (925) 655-2867 Jennifer.Cruz@dcd.cccounty.us
Staff Recommendation:	Approve (See Section II for complete recommendation)

I. PROJECT SUMMARY

This is a hearing on a County-initiated Zoning Text Amendment that amends Chapter 88-6, deletes Chapter 88-8 and Chapter 88-9, and amends other provisions of the County Ordinance Code to regulate the construction, placement, display, and maintenance of signs in the unincorporated area of the County.

II. RECOMMENDATION

Staff recommends that the County Planning Commission:

1. OPEN the public hearing on the proposed zoning text amendment; RECEIVE testimony; and CLOSE the public hearing.
2. ADOPT a motion recommending that the Board of Supervisors take the following actions:
 - A. FIND that the proposed zoning text amendment is consistent with the County General Plan.
 - B. ADOPT the proposed zoning text amendment to regulate the construction, placement, display, and maintenance of signs in the unincorporated area of the County.
 - C. DETERMINE that the proposed zoning text amendment is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).
 - D. Direct staff to file a Notice of Exemption with the County Clerk.

III. BACKGROUND

On February 4, 2020, the Board of Supervisors accepted a report on “Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability” and directed staff to take the actions necessary to further evaluate and implement the recommendations in the report. There are 18 recommendations in the report. One of the recommendations is to update the County’s sign regulations to allow directional signs in a public right-of-way to direct people to U-pick operations on agricultural lands in the County.

There are currently three separate chapters (Chapter 88-6, Chapter 88-8 and Chapter 88-9) in the County’s Zoning Code that regulate signs. The current regulations were adopted in the mid-1960s and the mid-1970s and have not been recently updated. In addition to authorizing directional signs in a public right-of-way, the proposed ordinance would update the County’s sign regulations to conform with the body of sign law that has developed in recent years to require that sign regulations comply with the First Amendment and other constitutional principles. The ordinance conforms with the County’s policy and intent to regulate signs in a manner

that is content-neutral and consistent with the United States and California Constitutions.

IV. PROPOSED ZONING TEXT AMENDMENTS

A. Deletion of Chapter 88-8 and Chapter 88-9

The proposed zoning text amendment would delete Chapter 88-8, the Sign Control Combining District. There are currently no parcels in the County that are located within the Sign Control Combining District. This chapter was adopted in the early 1970s and is obsolete. The proposed zoning text amendment would also delete Chapter 88-9, the S2 Sign Control Combining District. The S2 Combining District includes parcels that are located within the Alamo Plaza Shopping Center on Stone Valley Road and Danville Boulevard in Alamo and directly east and directly south of the shopping center. Chapter 88-9 was adopted in the mid-1970s. The sign standards from the S2 Combining District would continue to apply to existing signs established under the S2 Combining District standards, but newly established signs would be subject to the countywide sign standards of amended Chapter 88-6.

B. Amendment of Chapter 88-6 and Other Provisions of the County Ordinance Code

Chapter 88-6 (currently Outdoor Advertising) was adopted in the mid-1960s. The proposed zoning text amendment would update Chapter 88-6. Article 88-6.6 regulates signs placed or displayed on private property, or on land or facilities owned by public entities other than the County if the County exercises land use regulatory power over these lands or facilities. Article 88-6.8 regulates signs placed or displayed within a public right-of-way. The proposed sign standards in amended Chapter 88-6 would regulate signs in a manner that is content-neutral and consistent with the United States and California Constitutions.

The proposed countywide sign standards would require that a person must obtain a sign permit before they construct, place, display, or maintain a non-exempt sign in the unincorporated area of the County. A sign permit would be processed by the zoning administrator under the administrative decision procedure found in Article 26-2.21 of the County Ordinance Code. If, after notice of a pending sign application is provided to nearby property owners, no request for a hearing is submitted to the Department, the zoning administrator

may issue a sign permit administratively without a public hearing.

The zoning text amendment will also amend other provisions of the County Ordinance Code to remove conflicting sign regulations and revise definitions related to sign regulation. The zoning text amendment would also amend provisions in the Code related to encroachment permits to allow for directional signs in a public right-of-way. Additional permit requirements are included for signs in a public right-of-way to protect the health and safety of persons in the County.

Signs are currently allowed in various General Plan land use designations, as an ancillary use. The proposed zoning text amendment to allow directional signs and update the sign regulations to conform to the body of sign law developed in recent years would not conflict with the Goals and Policies of the County's General Plan.

V. CONCLUSION

The proposed zoning text amendments related to signs would delete Chapter 88-8 and Chapter 88-9. The proposed zoning text amendments would also update the existing Chapter 88-6 and would allow directional signs within the public right-of-way. The proposed countywide sign regulations would provide a comprehensive sign permitting procedure and provide standards for the construction, placement, display, and maintenance of signs in the unincorporated area of the County. Accordingly, Staff recommends that the Commission adopt a motion recommending that the Board of Supervisors approve the proposed zoning text amendment.

Attachments:

- Draft Sign Ordinance

ORDINANCE NO. 2021-____ **DRAFT**

SIGNS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Chapter 88-6, deletes Chapter 88-8 and Chapter 88-9, and amends other provisions of the County Ordinance Code to regulate the construction, placement, display, and maintenance of signs in the unincorporated area of the County.

SECTION II. Chapter 88-6 of the County Ordinance Code is amended to read:

**Chapter 88-6
SIGNS**

**Article 88-6.2
General**

88-6.202 Title. This chapter is known and may be cited as the Sign Ordinance of Contra Costa County. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.204 Purposes and regulatory scope. The purpose of this chapter is to regulate the construction, placement, display, and maintenance of signs in the unincorporated area of the County. Article 88-6.6 regulates signs placed or displayed on private property, or on land or facilities owned by public entities other than the County if the County exercises land use regulatory power over these lands or facilities. Article 88-6.8 regulates signs placed or displayed within a public right-of-way. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.206 Message neutrality. It is the County's policy and intent to regulate signs in a manner that is content-neutral and consistent with the United States and California Constitutions. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.208 Prospective regulation. This chapter applies only to signs that are first constructed, placed, or displayed after the date this chapter takes effect. This section does not legalize signs that were originally constructed, placed, or displayed without full compliance with all then-applicable laws. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.210 Responsibility for compliance. The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, sign sponsor, all parties holding the present right

of possession and control of the property where the sign is located, and the legal owner of the lot, even if the sign was placed, constructed, or displayed without the owner's consent or knowledge. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37; prior code §§ 8345-8380.601; Ords. 1781, 1009.)

88-6.212 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

- (a) "A-board" means a portable sign capable of standing without support or attachment.
- (b) "Animated sign" means a sign that displays visual images that change more often than one time in any 24-hour period, or images that move or appear to move, regardless of the method by which the visual change is effected. "Animated sign" does not include signs that merely display time, temperature, or other factual information that by its nature constantly changes.
- (c) "Directional sign" means a sign the directing persons to a place, structure, or activity.
- (d) "Freestanding sign" means a sign that is independently supported in a fixed location and not attached in any way to a building or structure.
- (e) "Frontage of a building" means a facade of a building where there is a public entrance and that faces either a public street, private road, or other public open place.
- (f) "Frontage of a lot" means a property line that is along the right-of-way of a public street or private road.
- (g) "Mobile sign" means a sign mounted on any type of device that is movable or capable of being moved by a vehicle.
- (h) "Monument sign" means a freestanding sign constructed upon a solid base or pedestal.
- (i) "Moving sign" means a sign that has actual or apparent moving, revolving, or rotating parts actuated by an electrical, mechanical, or other device or by wind current.
- (j) "Nonconforming sign" means a sign that was lawful before this chapter became effective, but that thereafter violates this chapter.
- (k) "Projecting sign" means a sign, other than a wall sign, that is suspended or supported by a building or wall and that projects from the building or wall.
- (l) "Right-of-way" has the meaning set forth in Section 82-4.260.
- (m) "Shingle sign" means a sign that is suspended below a canopy, overhang, or covered walkway.

- (n) “Sign” has the meaning set forth in Section 82-4.262.
- (o) “Temporary sign” means a sign constructed to be maintained for a period of limited duration, and that is neither permanently installed in the ground nor permanently affixed to a building or structure permanently installed in the ground.
- (p) “Wall sign” means a sign attached to, erected against, or painted upon a wall or a building or structure, the face of which is a single plane parallel to the plane of the wall.
- (q) “Window sign” means a sign maintained or painted on a window, not including a placard placed on or attached to a window. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.212 Sign area computed.

- (a) The area of a sign is computed by including the maximum display surface that is visible from the ground, and excluding the structure supporting the sign unless the structure is designed as an integral component of the display. The area of a sign with multiple display surfaces is the sum of the display surface areas.
- (b) Notwithstanding subsection (a) of this section, if two display surfaces on the same sign are parallel and facing opposite directions, and the distance between the two surfaces is not more than two feet, then only the area of one of the two display surfaces is included in the computation of the sign’s area. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

Article 88-6.4 Administration

88-6.402 Permit–required. No person may construct, place, display, or maintain a sign in the unincorporated area of the County without first obtaining a permit, except as otherwise provided in this chapter. A separate sign permit is required for each sign, except as otherwise provided in this chapter. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.404 Changes to permitted signs–requirement for new or amended permit.

- (a) If a permitted sign is modified, altered, or replaced, then a new or amended permit is required.
- (b) If any design element of a building or lot upon which a permitted sign is maintained is modified, altered, or replaced, and if the design element constituted a basis for the sign approval, then a new or amended permit is required.

- (c) If the physical structure of a permitted sign is changed, whether by repair, alteration, expansion, change in electrical supply, change in physical method of image presentation, change in dimension or weight, or similar factors, then a new or amended permit is required.
- (d) If only the copy or visual image on the display face of a sign is changed, a new or amended permit is not required. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.406 Application and fee. An application for a sign permit must be made in writing on a form approved by the director and must be accompanied by the required fee, in an amount established by the board of supervisors in the department's fee schedule. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.408 Permitting procedure.

- (a) The zoning administrator will review all sign permit applications as provided in Section 26-2.1202.
- (b) A sign permit application will not be approved under any of the following circumstances.
 - (1) Violation of this chapter. No sign permit will be approved if an illegal sign is located in violation of this chapter on the lot of the proposed sign, unless the violation will be corrected as part of the requested permit.
 - (2) Other code violations. No sign permit will be approved if a code violation exists on the lot of the proposed sign, unless the violation will be corrected as part of the requested permit.
 - (3) Failure to obtain other permits or approvals. No sign permit will be approved if the applicant has not obtained all other applicable permits and approvals required by this code.
 - (4) Unpaid fee. No sign permit will be approved if the applicant has not paid the applicable permit fee.
- (c) If an applicant proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. If an application is denied in whole or in part, the decision maker's written notice of decision will specify the grounds for the denial. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.410 Findings required. Before approving a sign permit application, the zoning administrator must find that the following conditions are met.

- (a) The sign complies with the applicable regulations in this chapter.
- (b) The non-communicative aspects of the sign are compatible with the property where the sign is located and the surrounding area. Examples of non-communicative aspects of a sign include the form, proportion, architectural scale in relation to other nearby buildings and structures, materials, surface treatment, and overall sign size.
- (c) The location of the sign will not impair the use of the property or conflict with the visibility, location, or arrangement of existing adjacent signs. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.412 Appeal. The denial or approval of a sign permit may be appealed pursuant to Article 26-2.24. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.414 Nonconforming signs. A nonconforming sign lawfully existing as of the effective date of this chapter may be continued in use without expansion or alteration until any of the following occur.

- (a) The sign is voluntarily removed or relocated.
- (b) The sign is damaged or destroyed in excess of 50 percent of its reasonable market value at the time of damage or destruction.
- (c) The property is developed or redeveloped with new structures or additions to existing structures, and the total area of new structures and additions exceeds 25 percent of the existing developed area.
- (d) The size or configuration of the lot where the sign is located is changed by a subdivision of the lot. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.416 Prohibited signs.

- (a) No person may construct, place, display, or maintain a sign contrary to the provisions of this code.
- (b) No person may construct, place, display, or maintain a sign in violation of federal or state law, including but not limited to the Outdoor Advertising Act.
- (c) No person may construct, place, display, or maintain an animated sign, mobile sign, moving sign, A-board sign, or sign that flashes, blinks, or rotates.
- (d) No person may construct, place, display, or maintain a sign that is:

- (1) Dilapidated;
- (2) Portable;
- (3) Attached to a fence;
- (4) Painted on or attached to a parked vehicle for purpose of advertising to the passing public;
- (5) Painted on a wall, bench, structure, or building;
- (6) Constructed of cloth or other flexible material, except for flags attached to a flagpole;
- (7) Supported by exposed wires or cables;
- (8) Designed, placed, or oriented for freeway exposure; or
- (9) Designed with external neon lighting. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.418 Exempt signs. The following signs are exempt from the permit requirement of this chapter.

- (a) A sign of a governmental agency located and maintained for the purpose of traffic safety, including a traffic sign or similar regulating device or warning device.
- (b) A sign required to be maintained by law or regulation. If a sign is required to be maintained by law or regulation but the sign area is not specified in the law or regulation, the sign area may not exceed ten square feet. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

Article 88-6.6 Signs on Private Property

88-6.602 Applicability. This article applies to signs placed or displayed on private property in the unincorporated area of the County. This article also applies to signs placed or displayed on land or facilities owned by public entities other than the County if the County exercises land use regulatory power over these lands or facilities. This article does not apply to signs placed or displayed within a public right-of-way, which are regulated by Article 88-6.8. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.604 Owner's consent. No sign may be placed on private property without the consent of the legal owner of the property. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.606 Exempt signs on private property. The following signs, when located on private property, are exempt from the permit requirement of this chapter. This section does not exempt the following signs from any other applicable law or regulation, including but not limited to, building and zoning code requirements and traffic safety laws and regulations pertaining to sign locations.

- (a) One flagpole and three flags per lot. The flagpole may not exceed 25 feet in height or the highest point of the principal building on the lot, whichever is lower. The area of each flag on the flagpole may not exceed 15 square feet.
- (b) A sign that cannot be seen from a public street, private road, or adjacent property.
- (c) A temporary sign maintained for a period not to exceed 60 consecutive calendar days. The temporary sign may not exceed 12 square feet in area. The temporary sign may not exceed six feet in height.
- (d) One or more on-site commercial signs on a lot with a grower stand, farm stand, or farm market, as long as the sign or signs comply with Section 88-20.404. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.608 Land use districts.

- (a) General. A sign that complies with the provisions of this chapter may be located in any land use district, except as otherwise specified in subsections (b), (c), or (d) of this section.
- (b) Single-family residential districts. No sign may be constructed, placed, displayed, or maintained on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100) or a water recreational district (F-1), or on a single-family residential lot in a planned unit district (P-1), except for an exempt sign under Section 88-6.418 or Section 88-6.606. This subsection does not apply to a lot where a non-residential use is approved by a land use permit.
- (c) Other residential districts. No sign may be constructed, placed, displayed, or maintained on any lot in a two-family residential district (D-1), in a multiple-family residential district (M-6, M-9, M-12, M-17, and M-29), or on a multiple-family residential lot in a planned unit district (P-1), except for the following:
 - (1) An exempt sign under Section 88-6.418 or Section 88-6.606;
 - (2) One or more freestanding signs or monument signs per lot that meet the requirements of Section 88-6.610; and
 - (3) One wall sign per lot that meets the requirements of Section 88-6.612.

This subsection does not apply to a lot where a non-residential use is approved by a land use permit.

- (d) No sign may be constructed, placed, displayed, or maintained on any lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80), except for the following:
 - (1) An exempt sign under Section 88-6.418 or Section 88-6.606; and
 - (2) One or more freestanding signs or monument signs per lot that meet the requirements of Section 88-6.610. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.610 Freestanding signs and monument signs. A freestanding sign or a monument sign must meet all of the following requirements.

- (a) **Area.** No freestanding sign or monument sign may have an area that exceeds one square foot for each 1,000 square feet of lot area. The maximum area of a freestanding sign or monument sign is 35 square feet. The maximum aggregate display area of all freestanding signs and monument signs located on a lot is 50 square feet.
- (b) **Height.** No portion of a freestanding sign or monument sign may be higher than the roof line of the principal building on the lot or 12 feet, whichever is lower.
- (c) **Display Surfaces.** No freestanding sign or monument sign may have more than two display surfaces. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.612 Attached signs. A projecting, shingle, wall, or window sign must meet all of the following requirements.

- (a) **Area.**
 - (1) No projecting sign may have an area that exceeds five square feet.
 - (2) No shingle sign may have an area that exceeds five square feet.
 - (3) No wall sign may have an area that exceeds ten percent of the area of the wall on which it is placed, excluding the area of all other signs on the frontage of the building.
 - (4) No window sign may have an area that exceeds ten percent of the area of the window on which it is placed.
- (b) **Projections, heights.**

- (1) No sign or portion of a sign may be higher than the eaves, fascia, or parapet of the building to which it is attached.
- (2) No sign may project more than one foot from the wall of a building, except a shingle sign may project a maximum of six feet from the wall of a building.
- (3) No projecting sign may have a vertical clearance of less than eight feet between the ground and the bottom of the sign.
- (4) No shingle sign may have a vertical clearance of less than eight feet between the ground and the bottom of the sign.
- (5) No wall sign may exceed 15 feet in height above grade measured from the base of the wall. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.614 Location. A sign may be located only on the frontage of a building, or on the frontage of a lot if not attached to a building on the lot. Signs may not be located on more than two frontages of any one building. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.616 Temporary Signs.

- (a) A temporary sign may be located and maintained on a lot for sale for a period not to exceed 18 consecutive months or until the lot is sold once, whichever occurs first. No more than one temporary sign may be located on a lot for sale.
- (b) A temporary sign may be located and maintained at an entrance of a development that includes one or more lots for sale for a period not to exceed 18 consecutive months or until 30 days after all lots in the development are transferred once, whichever occurs first. No more than one temporary sign may be located at an entrance of a development that includes one or more lots for sale. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.618 Vehicles. No sign may be attached to, supported by, or suspended from a vehicle parked on a street or lot, except a sign that is an integral part of the vehicle. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.620 Service stations. In the case of any conflict between this chapter and state requirements for signs related to gasoline sales, the state requirements will govern. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.622 Illumination. A sign permitted by this chapter may not be illuminated by artificial illumination unless expressly authorized by the sign permit. The zoning administrator may include conditions in the sign permit as to the time, intensity, direction, and quality of

illumination to mitigate any negative impacts of illumination. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.624 Vacant lots. The aggregate sign display area of all signs located on a lot where no building exists may not exceed one and one-half square feet per 1,000 square feet of lot area. The maximum aggregate sign display area of all signs located on a lot where no building exists is 35 square feet. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.626 Signs within highway setback. A sign placed or displayed within a highway setback, as described in Article 82-12.4, is subject to the same restrictions and requirements that apply to signs placed or displayed within a public right-of-way pursuant to Article 88-6.8. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.628 Master sign program.

- (a) General. The zoning administrator may approve a comprehensive master sign program as part of a multi-tenant development or a development in a P-1 district. The objectives of a master sign program are to ensure: that the non-communicative aspects of all signs in a multi-tenant development or a P-1 district are compatible; and that adequate signs are provided to all current and prospective tenants within a multi-tenant development or a P-1 district.
- (b) Applicability. A master sign program applies to all tenants and buildings within a single development, whether the development is located on a single lot or on multiple lots.
- (c) Exceptions. A master sign program may authorize exceptions to the sign regulations specified in this article, including the number of signs, height, location, and sign area.
- (d) Prohibited. A master sign program may not be used to display sign types that are prohibited under this article.
- (e) Approval. If the zoning administrator approves exceptions to the sign regulations specified in this article, the zoning administrator must find that each exception will accomplish the objectives of this section. The zoning administrator may include conditions in the master sign program permit to mitigate any negative impacts attributed to the exceptions. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

Article 88-6.8
Signs Within the Public Right-of-Way

88-6.802 Applicability. This article applies to signs placed or displayed within a public right-of-way. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.804 Prohibited signs. No person may place or display a sign within a public right-of-way unless the sign is specifically authorized under this chapter. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.806 Encroachment permit. No person may place or display a sign within a public right-of-way without both a permit under this chapter and an encroachment permit issued under Section 1002-2.008. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.808 Exempt - bus shelter signs. Signs placed or displayed on a structure within or on a right-of-way that is used solely as a bus shelter are exempt from the permit requirement of this chapter. This section does not exempt bus shelter signs from any other applicable law or regulation, including but not limited to, encroachment permit requirements. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.810 Directional signs. A freestanding directional sign may be placed within a public right-of-way. A freestanding directional sign must meet all of the following requirements.

- (a) Location. No directional sign may be located:
 - (1) Within 500 feet of another directional sign on the same public right-of-way and facing in the same direction;
 - (2) At an intersection that would result in more than one directional sign at any corner of the intersection;
 - (3) Within three feet of any curb where parking is allowed;
 - (4) Within six feet of a driveway or curbcut access ramp;
 - (5) In any bus stop zone;
 - (6) So that any part of the sign extends into any bus stop zone or sidewalk area;
 - (7) On any median;
 - (8) So as to conflict with any applicable sight distance or clear recovery zone standard in the California Department of Transportation Highway Design Manual; or
 - (9) Within any State right-of-way without State approval.
- (b) Area. No directional sign may have an area that exceeds 16 square feet.
- (c) Additional permit terms. All of the following terms and requirements are incorporated into all permits issued under this article:

- (1) The term of the permit is one year from the approval date, unless revoked earlier.
- (2) The permittee shall obtain and maintain during the term of the permit comprehensive general liability insurance, including coverage for owned and non-owned automobiles, within minimum combined single-limit coverage of \$2,000,000 for all claims and losses due to bodily injury or death to any person, or damage to property, including loss of use arising out of each accident or occurrence. The permittee shall name the County and its officers, agents, and employees as additional insureds under all policies held in connection with the permit. All coverage shall provide for 30 days' written notice to the County of cancellation or lapse in coverage. A certificate of insurance for the policy hereunder required, indicating the name and telephone number of the insurance agent most responsible for the insurance policy and evidencing such coverage, must be furnished to the County prior to the approval of the permit. If the permittee renews or amends existing insurance or acquires new insurance, the permittee shall provide an updated certificate to the County.
- (3) The permittee shall indemnify, defend, and hold harmless the County, its boards, commissions, officers, employees, and agents from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages arising from or related to the applicant's application for a sign permit, the County's discretionary approval of the sign, the County's actions pursuant to the California Environmental Quality Act and planning and zoning laws, and the construction, placement, display, or maintenance of the sign, regardless of when those liabilities accrue.
- (4) The permittee shall maintain and repair the sign or signs as required by the associated encroachment permit.
- (5) A sign may be removed by the County if necessary for maintenance activities or safety considerations.
- (6) A sign permit may be revoked by the County upon 90 days' notice, or at any time for safety considerations. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

Article 88-6.10

Enforcement

88-6.1202 Removal of abandoned or unsafe signs. An abandoned or unsafe sign that imperils the safety of persons or property, or a temporary sign that is not removed within the time prescribed by this chapter, may be summarily removed or abated by the County. The owner of the property and the person responsible for a sign are liable for the cost of removal. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

88-6.1204 Remedies. The County may seek compliance with this chapter by any remedy allowed under this code, including, but not limited to, revocation, abatement, administrative fines, infraction citations, and any other remedy allowed by law. (Ords. 2021-XX § 2, 92-36, 77-110, 74-63, 70-37: prior code §§ 8345-8380.601: Ords. 1781, 1009.)

SECTION III. Section 26-2.2102 of the County Ordinance Code is amended to read:

26-2.2102 Decisions without public hearing. Unless otherwise required by this article, the zoning administrator may, without public hearing, decide applications for any of the following:

- (a) A variance permit pursuant to subsection (1) of Section 26-2.1204.
- (b) A minor subdivision pursuant to subsection (3) of Section 26-2.1204, including an application for improvement exceptions.
- (c) A small lot occupancy permit pursuant to subsection (c) of Section 82-10.002.
- (d) A wireless facility access permit pursuant to Chapter 88-24.
- (e) A short-term rental permit that does not meet one or more of the short-term rental regulations specified in Section 88-32.602.
- (f) An industrial hemp cultivation permit renewal pursuant to Section 88-34.412.
- (g) A sign permit pursuant to Chapter 88-6. (Ords. 2021-XX § 3, 2021-21 § 3, 2020-12 § 3, 2020-01 § 3, 2017-11 § 3, 2016-11 § 3, 2011-05 § 5, 95-51 § 3, 80-87 § 2: See Gov. C. § 65901.)

SECTION IV. Section 82-4.260 of the County Ordinance Code is amended to read:

82-4.260 Right-of-way. “Right-of-way,” also referred to as a “public right-of-way,” means all land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the general public for road or highway purposes. (Ord. 2021-XX § 4.)

SECTION V. Section 82-4.262 of the County Ordinance Code is amended to read:

82-4.262 Sign. “Sign” means any structure, display, device, or graphic on or attached to any land, building, or structure, that communicates or intends to communicate any message, or that advertises or promotes any business, product, activity, person, or interest. (Ords. 2021-XX § 5, 1781, 1760, 1759, 1569, 1469: prior code § 8102(qq): Ords. 1269, 1264, 1224, 939, 933, 382.)

SECTION VI. Section 82-4.264 of the County Ordinance Code is amended to read:

82-4.264 Sign Structure. “Sign structure” means any structure the primary purpose of which is

to support a sign. (Ords. 2021-XX § 6, 1781, 1760, 1759, 1569, 1469: prior code § 8102(rr): Ords. 1269, 1264, 1224, 939, 933, 382.)

SECTION VII. Section 82-12.406 of the County Ordinance Code is amended to read:

82-12.406 Signs.

- (a) Prohibition. Except as otherwise provided in this section, no sign or sign structure may be constructed or maintained between the highway setback lines and the boundary line of any state highway or public road.
- (b) Exception. The prohibition in subsection (a) of this section does not apply to a sign or a sign structure constructed or placed in accordance with a sign permit issued under Chapter 88-6 of this code and an encroachment permit issued under Chapter 1002-2 of this code. (Ords. 2021-XX § 7, 93-30 § 3: prior code § 8111(c): Ord. 382.)

SECTION VIII. Section 1002-2.010 of the County Ordinance Code is amended to read:

1002-2.010 Unacceptable permit applications; exception.

- (a) Prohibition. No application will be accepted, nor any permit issued for constructing or maintaining a loading platform within or on the right-of-way; or for erecting, using, or maintaining a post, pole, column, or structure for the support of signs within or on the right-of-way; or for erecting, using, or maintaining signs which overhang the right-of-way. Any such encroachment is illegal.
- (b) Exception. Notwithstanding subsection (a) of this section, the following may be permitted within a right-of-way:
 - (1) A sign on a structure that is used solely as a bus shelter;
 - (2) A directional sign that complies with Chapter 88-6 of this code. (Ords. 2021-XX § 8, 93-30 § 6: Ord. 1669: prior code § 7504: Ord. 1000.)

SECTION IX. Section 84-50.402 of the County Ordinance Code is amended to read:

84-50.402 Uses—Permitted.

- (a) Uses permitted in the N-B district shall be those uses for the carrying on of a neighborhood business, which is the barter, sale or exchange, to the consumer, of goods and services necessary for the day-to-day maintenance of a family. Neighborhood business uses shall be maintained and conducted wholly within enclosed buildings, except that areas set aside for the temporary parking of patrons' vehicles need not be enclosed.

(b) Permitted uses shall include the following and other of like character:

- (1) Bakery goods shops;
- (2) Barber and beauty shops;
- (3) Delicatessen shops;
- (4) Drugstores;
- (5) Grocery stores;
- (6) Laundry and cleaning agencies and press shops;
- (7) Meat markets;
- (8) Variety stores;
- (9) Shoe repair shops;
- (10) Professional offices; and
- (11) Real estate offices. (Ord. 2021-XX § 9: Ords. 1781, 1721, 1569: prior code § 8159(a): Ords. 937, 479.)

SECTION X. Section 84-50.404 of the County Ordinance Code is amended to read:

84-50.404 Uses—Requiring land use permit. In the N-B district, the following uses are permitted after the issuance of a land use permit:

- (1) Structure having three or more residential apartment units;
- (2) Gasoline service stations;
- (3) Reserved;
- (4) Where a road, having a right-of-way width of 55 feet or less, forms the common boundary between a district of this classification and a district of any residential classification, no access to property in the district of this classification adjacent to such common boundary shall be permitted to or from such road until a land use permit therefor has been obtained. The permit will be determined by the effects of traffic upon such a road occasioned by use within such district, the characteristics of the adjacent areas, traffic problems, pedestrian traffic, and other considerations found pertinent to the particular area concerned. (Ords. 2021-XX § 10, 67-27 § 1: Ords. 1781, 1721, 1569: prior code § 8159(b): Ords. 937, 479.)

SECTION XI. Section 82-52.402 of the County Ordinance Code is amended to read:

84-52.402 Uses—Permitted. Uses permitted in the R-B district shall be as follows:

- (1) The carrying on of a retail business as defined in Section 82-4.216 provided all the sales, demonstrations, displays, services and other activities of the retail business are conducted within an enclosed building, except that off-street parking shall be permitted;
- (2) All of the uses permitted in single-family and two-family residential districts together with the uses permitted in these districts after the granting of land use permits; and
- (3) Hotels and motels. (Ord. 2021-XX § 11: Ords. 2011, 1985, 1781, 1569: prior code § 8160(a): Ords. 1046, 556, 382.)

SECTION XII. Section 82-52.404 of the County Ordinance Code is amended to read:

84-52.404 Uses—Requiring a land use permit. In the R-B district the following uses are permitted after the issuance of a land use permit:

- (1) Lumber yard;
- (2) Cabinet shop;
- (3) Sheet metal shop;
- (4) Animal hospital;
- (5) Commercial dog kennel;
- (6) Hobby dog kennel;
- (7) Auto garage which includes body repair and painting;
- (8) Building contractor's yard;
- (9) Structures having three or more residential apartment units. Minimum off-street parking requirements for apartment units shall be as required in Section 84-24.1202;
- (10) Other retail businesses where the sales, demonstrations, displays, services and other activities, or some of them, are conducted other than in an enclosed building;

- (11) Reserved;
- (12) Reserved;
- (13) Where a road, having a right-of way width of 55 feet or less, forms the common boundary between a district of this classification and a district of any residential classification, no access to property in the district of this classification adjacent to such common boundary shall be permitted to or from such road until a land use permit therefor has been obtained. The permit will be determined by the effects of traffic upon such a road occasioned by use within such district, the characteristics of the adjacent areas, traffic problems, pedestrian traffic, and other considerations found pertinent to the particular area concerned;
- (14) A manufacturing research use which is to be established in an existing fully enclosed building where no alterations, or a minimum amount of alterations, would be required to accommodate such use; and which wholly involves products of small bulk; and which meets the following standards:
 - (A) No smoke of any kind shall be permitted.
 - (B) No odors created by any industrial or processing operation shall be perceptible at the property site boundaries.
 - (C) No discharge into the air of any dust, dirt or particular matter, created by any industrial operation or emanating from any products prior to or subsequent to processing shall be permitted.
 - (D) No corrosive, obnoxious or toxic fumes or gases shall be permitted.
 - (E) No heat or glare shall be perceptible at any point beyond the subject boundaries.
 - (F) No manufacturing, processing or laboratory research shall be permitted which would create or establish an unusually special or dangerous fire or safety hazard to surrounding properties.
 - (G) No ground vibrations shall be perceptible at the property site boundaries.
 - (H) No emanation of noise exceeding seventy decibels at the boundaries of the property shall be permitted.
 - (I) All manufacturing, processing or research operations shall be conducted within enclosed buildings.

- (J) All open storage areas shall be screened by solid walls, fences or adequate plantings of not less than six feet in height and in no case shall materials be stacked or stored higher than the screen.
- (15) Single room occupancy facilities that meet the requirements of Chapter 82-48;
- (16) Commercial cannabis activities that meet the requirements of Chapter 88-28. (Ords. 2021-XX § 12, 2018-18 § 5, 2014-11 § 6, 68-52 § 2, 67-39 § 6, 67-27 § 1: Ords. 2011, 1985, 1781, 1569: prior code § 8160(b): Ords. 1046, 556, 382.)

SECTION XIII. Section 84-54.402 of the County Ordinance Code is amended to read:

84-54.402 Uses allowed. The following uses are allowed in C districts:

- (1) All types of wholesale businesses, warehouses, freight terminals, trucking yards, lumberyards, cabinet shops, sheet metal shops, auto repair garages, contractor's yards, and uses allowed in single-family and two-family residential districts without or with a land use permit;
- (2) Uses allowed in N-B and R-B districts;
- (3) Animal hospitals;
- (4) Commercial dog kennels;
- (5) Reserved;
- (6) Emergency shelters that meet the requirements of Chapter 82-46. (Ords. 2021-XX § 13, 2014-11 § 7, 76-36 § 4: Ords. 1781 § 8, 1569 § 20: prior code § 8161(a): Ords. 1046 § 3, 697 § 2, 382 § 4D.)

SECTION XIV. Section 84-54.404 of the County Ordinance Code is amended to read:

84-54.404 Uses—Requiring land use permit. In the C district the following uses are permitted after the issuance of a land use permit:

- (1) Transit-mix plants;
- (2) Motels;
- (3) Hotels;
- (4) Structures having three or more residential apartment units. Minimum off-street parking requirements for apartment units shall be as required in Section 84-24.1202;

- (5) Reserved;
- (6) Reserved;
- (7) Where a road, having a right-of-way width of 55 feet or less, forms the common boundary between a district of this classification and a district of any residential classification, no access to property in the district of this classification adjacent to such common boundary shall be permitted to or from such road until a land use permit therefor has been obtained. The permit will be determined by the effects of traffic upon such a road occasioned by use within such district, the characteristics of the adjacent areas, traffic problems, pedestrian traffic, and other considerations found pertinent to the particular area concerned.
- (8) Commercial cannabis activities that meet the requirements of Chapter 88-28. (Ords. 2021-XX § 14, 2018-18 § 5, 67-39 § 3, 67-27 § 1: Ords. 2011, 1984, 1781, 1569: prior code § 8161(b): Ords. 1046, 382.)

SECTION XV. Article 84-56.14 of the County Ordinance Code is deleted in its entirety.

SECTION XVI. Section 84-60.404 of the County Ordinance Code is amended to read:

84-60.404 Uses—Requiring land use permit. Uses requiring a permit in the W-3 district shall be as follows:

- (1) Any land use not recognized as an industrial manufacturing or processing use except that the following are prohibited: Single-family residential, multiple family residential and mobilehome parks;
- (2) Reserved;
- (3) Land within the W-3 district which is also within 250 feet, exclusive of any public right-of-way areas, of any other land use district boundary, other than an H-I, L-I, or U district, shall be subject to review and approval, only as to that portion of the parcel within the 250 feet, by the planning commission as to the location of land uses and site development for any authorized use so as to provide protection for and development compatible to adjacent land use districts. (Ords. 2021-XX § 16, 67-58 § 1 (part), 1967: prior code § 8163.1(b).)

SECTION XVII. Chapter 88-8 of the County Ordinance Code is deleted in its entirety.

SECTION XVIII. Chapter 88-9 of the County Ordinance Code is deleted in its entirety.

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SECTION XIX. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

KCK:

H:\Client Matters\2021\DCD\Sign Ord - draft11.wpd

Sign Ordinance

ZT19-0002



Background

- The Board of Supervisors accepted a report on “Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability” and directed staff to take the actions necessary to further evaluate and implement the recommendations in the report.
- 18 recommendations in the report, which includes an update the County’s sign regulations to allow directional signs in a public right-of-way to direct people to U-pick operations on agricultural lands in the County.



Purpose of Zoning Text Amendment

- Allow directional signs in a public right-of-way
- Update the County's sign regulations to conform with current sign regulations that comply with the First Amendment and other constitutional principles.
 - Chapter 88-8 – Sign Control Combining District adopted in the early 1970s
 - Chapter 88-9 – S2 Sign Control Combining District adopted in the mid-1970s
 - Chapter 88-6 – Outdoor Advertising adopted in the mid-1960s



Highlights of Zoning Text Amendments

Delete the following Chapters:

- Chapter 88-8 – Sign Control Combining District
- Chapter 88-9 – S2 Sign Control Combining District



Highlights of Zoning Text Amendments

Amend Chapter 88-6 and Other Provisions of the County Ordinance Code:

- Regulate signs in a manner that is content-neutral and consistent with the United States and California Constitutions.
- Remove conflicting sign regulations and revise definitions related to sign regulation.
- Allow for directional signs in a public right-of-way with permits requirements to protect the health and safety of persons in the County.
- Provides a comprehensive sign permitting procedure and provides standards for the construction, placement, display, and maintenance of signs in the unincorporated area of the County.



Staff Recommendations

Staff recommends that the County Planning Commission:

1. OPEN the public hearing on the proposed zoning text amendment; RECEIVE testimony; and CLOSE the public hearing.
2. ADOPT a motion recommending that the Board of Supervisors take the following actions:
 - A. FIND that the proposed zoning text amendment is consistent with the County General Plan.
 - B. ADOPT the proposed zoning text amendment to regulate the construction, placement, display, and maintenance of signs in the unincorporated area of the County.
 - C. DETERMINE that the proposed zoning text amendment is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).
 - D. Direct staff to file a Notice of Exemption with the County Clerk.



Questions?

