



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: May 24, 2022

Subject: Hearing to Consider Adoption of a Zoning Text Amendment Related to Sign Regulation (County File #ZT19-0002)

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**RECOMMENDATION(S):**

1. OPEN the public hearing on Ordinance No. 2022-03, RECEIVE testimony, and CLOSE the public hearing;
2. DETERMINE that adoption of Ordinance No. 2022-03, is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061(b)(3).
3. FIND that Ordinance No. 2022-03 is consistent with the County General Plan.
4. ADOPT Ordinance No. 2022-03, regulating the construction, placement, display, and maintenance of signs in the unincorporated area of the County.
5. DIRECT the Department of Conservation and Development to file a CEQA Notice of Exemption with the County Clerk.

**FISCAL IMPACT:**

The cost of preparing this ordinance has been funded by the Department of Conservation and Development, Land Development Fund.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **05/24/2022** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 24, 2022

Contact: Jennifer Cruz,  
(925) 655-2867

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

**BACKGROUND:**

This hearing item was continued from May 10, 2022.

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, including updating 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

## BACKGROUND: (CONT'D)

signs in a public right-of-way, the proposed ordinance would update the County's sign regulations to conform with developments in law to regulation of signs and the requirement 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.

### **Proposed Zoning Text Amendments**

#### Deletion of Chapter 88-8 and Chapter 88-9

The proposed ordinance would delete Chapter 88-8 (Sign Control Combining District) from the County Ordinance Code. 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 ordinance would delete Chapter 88-9 (S2 Sign Control Combining District) from the County Ordinance Code. 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 parcels directly east and directly south of the shopping center. 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 established by the proposed ordinance.

The proposed ordinance incorporates many of the sign standards currently implemented in the S2 Combining District and would make them applicable throughout the unincorporated County. Attachment B compares the current sign standards in the S2 Combining District with those contained in the proposed ordinance.

#### Amendment of Chapter 88-6 to Establish Countywide Sign Standards

The current Chapter 88-6 (Outdoor Advertising) in the County Ordinance Code was adopted in the mid-1960s. The proposed ordinance would amend Chapter 88-6 to establish countywide sign standards. 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 summary of the proposed sign standards included in Ordinance No. 2022-03 is provided in Attachment C. An application for a sign permit would be processed by the Department of Conservation and Development and approved by the zoning administrator under the administrative decision procedure found in Article 26-2.21 of the County Ordinance Code. If, after sending a notice to property owners within 300-feet, no request for a hearing is submitted to the Department, the Zoning Administrator may issue a sign permit administratively without a public hearing.

The proposed ordinance 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 would be required for signs in a public right-of-way to protect the health and safety of persons in the County. A permit for a sign in a public right-of-way would have a term of one year, consistent with the associated encroachment permit issued by the Public Works Department.

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.

### Billboards Near Sensitive Receptors

The proposed ordinance regulates freestanding signs, which are signs that are “independently supported in a fixed location and not attached in any way to a building or structure.” Billboards fall within the definition of “freestanding signs.” Under the proposed ordinance, the maximum area of a freestanding sign is 35 square feet. The ordinance prohibits freestanding signs in single-family residential districts.

State laws restrict the location of signs advertising tobacco, cannabis, and alcohol. A sign advertising any tobacco product may not be located within 1,000 feet of any public or private elementary school, junior high school, or high school, or public playground. (Cal. Bus. & Prof. Code, section 22961.) A sign advertising cannabis or cannabis products may not be located within 1,000 feet of a day care center, school, playground, or youth center. (Cal. Bus. & Prof. Code, section 26152.) Alcoholic beverage manufacturers, distillers, bottlers, importers, and wholesalers are prohibited from placing any signs, banners, displays, or other devices that advertise alcoholic beverages on or over any public sidewalk, street, or thoroughfare, and are prohibited from placing these signs on or adjacent to any retail premises or parking lot where alcoholic beverages are sold. (Title 4, Cal. Code of Regulations, section 106.)

### **General Plan Consistency**

Signs are currently allowed in various General Plan land use designations, as an ancillary use. Under the Transportation and Circulation Element, Policy 5-44 encourages the use of wayfinding and signage to help direct pedestrians and bicyclists to desirable destinations. The proposed zoning text amendment to allow directional signs and update the sign

regulations would not conflict with the Goals and Policies of the County's General Plan.

### **County Planning Commission Hearing**

The County Planning Commission held a public hearing on the draft Ordinance on November 10, 2021. No public comments were submitted during the hearing. The County Planning Commission voted 7-0 to recommend that the Board adopt the proposed ordinance. The Commission also recommended that the Board consider adopting a flat fee or no fee for applications to renew the annual sign permit for signs located in a public right-of-way. Staff has included the Commission's recommendation in a proposed fee schedule update scheduled to follow this item.

### **CONSEQUENCE OF NEGATIVE ACTION:**

If the Board does not approve the proposed ordinance, then the zoning code will not allow directional signs and will not be updated to establish countywide sign standards.

### **CLERK'S ADDENDUM**

Adopted Ordinance 2022-03 as amended to add paragraph E:

### **ATTACHMENTS**

Attachment A - Ordinance 2022-03

Attachment B - Comparison of S2 Combining District and Proposed Ordinance

Attachment C - Summary of Proposed Sign Standards