



Office of the City Manager

CONSENT CALENDAR  
November 18, 2014

To: Honorable Mayor and Members of the City Council  
 From:  Christine Daniel, City Manager  
 Submitted by: Michael Caplan, Director, Office of Economic Development  
 Subject: Revision of BMC Section 20.64.020 Alterations of Nonconforming Signs

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 20.64.020 to allow for alterations of nonconforming signs in cases where such alterations may facilitate preservation and maintenance.

FISCAL IMPACTS OF RECOMMENDATION

This recommendation will enable City staff and developers to facilitate preservation of historic resources that contribute to the distinctive character of architecture and commercial districts and may, in the long-term, help to strengthen the retail environment in Berkeley. This could in turn have positive impacts on sales tax revenue. Passage of this Ordinance may result in the need for a nominal amount of additional staff time – estimated at fewer than 10 hours per year – dedicated to the review of proposed alterations of nonconforming signs.

CURRENT SITUATION AND ITS EFFECTS

Currently any alterations to nonconforming signs must comply with the specific requirements of the general Signs Ordinance. Staff has no discretion when reviewing proposed alterations, even when such alterations would result in positive outcomes such as superior design quality, lessened impacts of shade exposure, and preservation of historic resources. This limits the ability of project sponsors to maintain and preserve existing historic signs on sites being repurposed for other uses.

BACKGROUND

The specific case that prompted this policy review and recommendation is the building at 2727 Milvia Street. The site, formerly occupied by Iceland skating rink, is currently being repurposed as a sporting goods retail outlet, the sixth location of the regional firm Sports Basement. The site was designated as a landmark site by the Landmark Preservation Commission in 2007, days after the skating rink ceased its operations.

Sports Basement's ownership has proposed restoration and adaptive reuse of the site in a manner that respects, preserves and celebrates the history of the building. This includes their proposed signage. Sports Basement proposed to restore the historic

Iceland roof sign and incorporate their Sports Basement sign and logo underneath the historic Iceland sign. This proposal would require the existing sign to be raised by three feet in order to incorporate the new signage; however, that would increase the height of the sign beyond the maximum amount permitted.

The alternative proposals currently under consideration by the project sponsor have been deemed by staff to be of inferior design quality and to have greater impact on the surrounding community. Whereas the original proposal incorporated approximately 48 square feet of new signage on the roof, the alternative proposals, which would be pursued absent the policy revision before the Council today, would result in approximately 150 square feet of new signage. This would not only have dramatic negative visual impact on the neighborhood; it would also detract from the maintenance and preservation of the historic sign.

See Attachment 2 for visual illustration of this example case.

The recommended revision of BMC section 20.64.020 will allow staff to use discretion in their review of nonconforming signs in cases such as this one, where such alterations would facilitate preservation and maintenance. In this case, staff could approve the original proposal submitted by the project sponsor, which will incorporate and preserve the historic Iceland signage and reduce the impact of new signage.

#### ENVIRONMENTAL SUSTAINABILITY

By facilitating the maintenance and reuse of existing resources, this policy can be considered to promote environmentally sustainable practices in development and construction.

#### RATIONALE FOR RECOMMENDATION

The recommended policy revision will have minimal to no negative fiscal impacts and will facilitate the preservation and maintenance of historic resources, which in turn can contribute to economic development in the City.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered a more comprehensive reform to the sign ordinance; however, staff ultimately chose to take a more targeted approach.

#### CONTACT PERSON

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Attachments:

- 1: Ordinance
- 2: Example Case

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 20.64.020, REGULATING  
ALTERATIONS TO NONCONFORMING SIGNAGE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 20.64.020 is amended to read as follows:

**20.64.020 Alterations permitted when.**

A. ~~No A~~ nonconforming sign shall not be altered, enlarged, relocated, and/or reconstructed except in such manner as to comply with the requirements of this ~~title~~ unless the sign is a contributing element to a historic property and/or has independent historic merit, and the alteration, enlargement or relocation is necessary in order to preserve and maintain the sign.

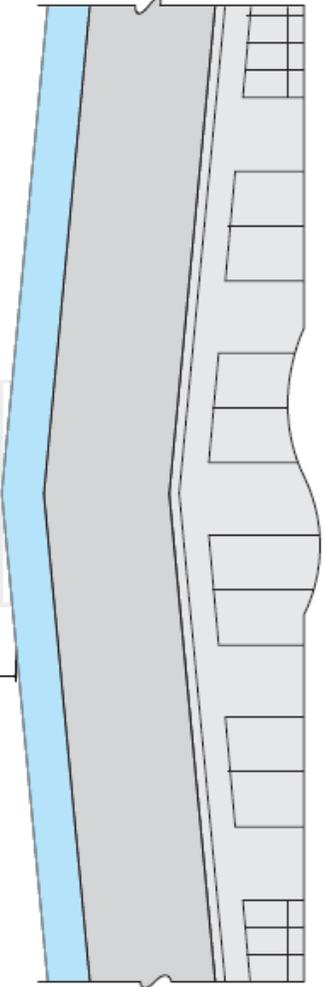
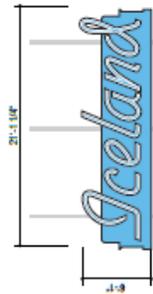
B. A nonconforming sign may be maintained or its text or design changed without affecting its nonconforming status.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Attachment 2: Example Case

**Existing Condition**

Existing Sign: 128.4 sq.ft.



**Proposed**

Historic Sign: 128.4 sq.ft.  
New Sign: 48.4 sq.ft.

**Alternate I**

Existing Sign: 128.4 sq.ft.

New Sign: 150 sq.ft.

