

## ORDINANCE NO. 7,577–N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 20.16 TO PROHIBIT SIGNS IN COMMERCIAL DISTRICTS ABOVE THREE STORIES OR FORTY FEET ABOVE THE EXISTING GRADE ADJACENT TO THE BUILDING, WHICHEVER IS LESS

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

Section 1. Purpose: This ordinance serves a substantial government interest including preserving and improving the aesthetics of the City of Berkeley by diminishing visual clutter. It also implements General Plan and Berkeley Downtown Area Plan Design Guideline policies of the City of Berkeley.

Section 2. That Berkeley Municipal Code Section 20.16.010 is amended to read as follows:

**Section 20.16.010 Prohibited signs -- Exceptions.**

A. No sign, poster, placard, card, sticker, banner, or other device calculated to attract attention of the public shall be posted, printed, stamped, stuck or otherwise affixed to or placed upon any public sidewalk, crosswalk, median strip, curb, lamppost, hydrant, tree, utility pole, any fixture of the traffic control, fire alarm or police alarm system of the City, except:

1. Legal notices that are authorized by law to be so located and messages placed on bus shelters sponsored or contracted by AC Transit pursuant to a contract with AC Transit and with its consent;
2. Portable signs as permitted by Section 20.16.180; and
3. Temporary signs concerning noncommercial events in the form of posters, placards, cards, stickers, or flyers that do not cause a hazard to pedestrian or vehicle traffic, and that are affixed to City-owned utility poles and lampposts in a manner consistent with standards promulgated by the Department of Public Works.

B. No sign shall be located at or near any street intersection or any street and driveway intersection so as to create a traffic hazard by obstructing vision. No sign shall be located, constructed or lighted so as to interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.

C. The following types of signs are prohibited:

1. Off-premises signs west of the western line of Third Street that are designed to have the message thereon viewed primarily from the Eastshore Freeway, unless permitted by a relocation agreement pursuant to Section 20.04.040;

2. Off-premises signs that are designed or intended to be visible primarily from any residential district or any public park, square, or plaza;
3. Pole signs;
4. Ground signs more than twenty (20) feet in height;
5. Wind signs;
6. Signs attached to or painted on an inoperable and unlicensed vehicle, motorized or non-motorized, that is located in view of the right-of-way; and
7. Signs of any type above the third floor space, or forty (40) feet above the existing grade adjacent to the building, whichever is less, in any commercial district.

Section 3. That Berkeley Municipal Code Section 20.16.110 is amended to read as follows:

**Section 20.16.110 Marquee signs.**

A. Marquee signs may be located on any edge or on the top of the marquee edge and parallel therewith; provided, that signs located on the top of the marquee edge shall not exceed five feet in height.

B. No portion of a marquee sign shall be higher than the eave line or parapet wall of a building. No portion of a marquee sign shall be above the third floor space, or forty (40) feet above the existing grade adjacent to the building, whichever is less, in any commercial district.

C. The total sign area of marquee signs shall not exceed twenty (20) percent of the building face or three hundred twenty-five (325) square feet, whichever is less. As used in this section, "building face" means the product in square feet of the frontage of the building premises and the exterior height of the building premises.

D. Notwithstanding the requirements of Section 20.16.130, a marquee sign that conforms to the requirements of this section may extend more than five feet from the building wall into the public right-of-way but no closer than one foot from the curb line.

Section 4. That Berkeley Municipal Code Section 20.16.130 is amended to read as follows:

**Section 20.16.130 Projecting signs.**

A. A sign may project horizontally from the exterior wall of a building; provided, that such projection does not violate other sections of this chapter or interfere with the allowable signs permitted on the premises being encroached upon. As used in this section, projecting signs shall not be construed to be off-premises signs.

B. Maximum Projection. No portion of a projecting sign shall extend more than five feet from the building wall into the public right-of-way or closer than one foot from the curb line, whichever is less. In no case shall any portion of a projecting sign extend closer than three feet to a utility pole.

C. Height. The height of a projecting sign shall not exceed twenty-five (25) percent of the height of the building wall to which it is attached. No portion of a projecting sign shall extend more than one-third of the sign height or eight feet, whichever is less, above the highest point of a parapet wall or more than four feet above an eave line. The lowest point of the sign must be at least eight feet above the surface of any sidewalk or street. No portion of a projecting sign shall extend above the third floor space, or forty (40) feet above the existing grade adjacent to the building, whichever is less.

D. Thickness. The thickness of a projecting sign shall not exceed two feet.

E. A projecting sign shall not interfere with views of traffic control devices or signs or be designed or located so as to cause harm to street trees.

Section 5. That Berkeley Municipal Code Section 20.16.140 is amended to read as follows:

**Section 20.16.140 Roof Signs**

Roof signs shall comply with the following standards:

A. Height.

1. In commercial districts, no portion of a roof sign shall extend more than eight feet above the eave line or the parapet wall, whichever is higher, of the building to which it is attached. No roof sign shall be permitted above the third floor space, or forty (40) feet above the existing grade adjacent to the building, whichever is less.

2. In manufacturing districts, no portion of a roof sign shall extend more than fifteen (15) feet above the eave line or the parapet wall, whichever is higher, of the building to which it is attached.

B. Setbacks. The face and ends of a roof sign shall be set back at least three feet from the inside of the parapet wall or any other wall that is closer.

C. Clearance. If the vertical measurement of the sign area of a roof sign exceeds five feet, the roof sign shall have a vertical clearance of at least five feet above the roof and shall have vertical supports that are at least six feet apart. At least fifty (50) percent of the space behind such vertical supports shall be clear of any type of obstruction.

Section 6. That Berkeley Municipal Code Section 20.16.150 is amended to read as follows:

**Section 20.16.150 Wall signs**

Wall signs shall comply with the following standards:

A. Height. No portion of a wall sign shall be higher than the roof of a building or lower than three feet above existing ground level. No portion of a wall sign shall be permitted above the third floor space, or forty (40) feet above the existing grade adjacent to the building, whichever is less.

B. Maximum Projection.

1. When the lower edge of a wall sign is between three feet and ten (10) feet above existing grade, no portion of the sign shall project more than four inches from the wall of the building.

2. When the lower edge of a wall sign is more than ten (10) feet above existing grade, no portion of the sign shall project more than twelve (12) inches from the wall of the building.

Section 7. 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 100 shall be published in a newspaper of general circulation.

At a special meeting of the Council of the City of Berkeley held on October 3, 2017, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Hahn, Harrison, Maio and Arreguin.

Noes: Droste, Wengraf and Worthington.

Absent: None.

ORDINANCE NO. 7,578–N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 20.08 TO INCLUDE A BUILDING ADDRESS, NAME OR OTHER IDENTIFICATION IN THE DEFINITION OF A SIGN

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

Section 1. Purpose: This ordinance serves a substantial government interest including preserving and improving the aesthetics of the City of Berkeley by diminishing visual clutter. It also implements General Plan and Berkeley Downtown Area Plan Design Guideline policies of the City of Berkeley.

Section 2. That Berkeley Municipal Code Section 20.08.220 is amended to read as follows:

**Section 20.08.220 Sign.**

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a building address, a building name or other identification, a commodity, product or idea including all parts, portions, units and materials composing the same, together with the frame, background, surface, support or enclosure therefor, if any.

Section 3. 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.

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Absent: None.

