

**ORDINANCE NO. 3475 C.S.**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY**

**AMENDING MONTEREY CITY CODE CHAPTER 31, SIGNS**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

**SECTION 1:**

WHEREAS, the Council of the City of Monterey has determined that sign regulation is necessary to control the size, type and location of signs to protect and enhance the character and setting of the City of Monterey against visual blight by preventing a proliferation of signs that will detract from, and obscure, the scenic qualities of the City of Monterey and its individual buildings and neighborhoods.

WHEREAS, the Council of the City of Monterey has determined that sign regulation is necessary to encourage the effective use of signs primarily as a means of identification and communication, and to provide equality and equity among sign owners and those who wish to use signs.

WHEREAS, the Council of the City of Monterey has determined that sign regulation is necessary to mitigate the potential cumulative detrimental impact resulting from numerous signs in close proximity to each other, which cannot be addressed in any way other than by limiting the number and size of all signs.

WHEREAS, this action is exempt from environmental review under the California Environmental Quality Act (CEQA) per section 15061(b)(3) because it does not have the potential to cause significant impact to the environment.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 31, Signs, shall be replaced in its entirety with the following:

Chapter 31, Signs

**31-1 Purpose**

The Council of the City of Monterey has determined that sign regulation is necessary to control the size, type and location of signs to:

- A. Protect and enhance the character and setting of the City of Monterey against visual blight by preventing a proliferation of signs that will detract from, and obscure, the scenic qualities of the City of Monterey and its individual buildings and neighborhoods;

- B. Encourage the effective use of signs primarily as a means of identification and communication, and to provide equality and equity among sign owners and those who wish to use signs; and
- C. Mitigate the potential cumulative detrimental impact resulting from numerous signs in close proximity to each other, which cannot be addressed in any way other than by limiting the number and size of all signs.

### **31-2 Objectives**

The Council of the City of Monterey has determined that individual signs should further the Purpose of this ordinance. This determination is expressed in the following general objectives:

- A. Signs are a necessary tool, the primary purpose of which is to identify an entity from an adjacent street frontage. In all regards, any additional sign area, height, or design component that exceeds the minimum necessary to reasonably identify an entity shall be considered extraneous and subject to additional scrutiny and/or denial.
- B. Signs are to be an integral visual part of the site and building design and the quality of their design should equal or surpass that of the building and site. In that regard, the materials, dimensions and placement of signs should foremost reflect the unique qualities of their corresponding building and, to a lesser degree, the numerical standards contained herein.
- C. Signs, when viewed collectively in a district or blockface, should convey a cohesive and complementary streetscape that expresses the City's unique historic and aesthetic character. To that end, materials, dimensions and placement should complement signs on adjoining properties.

### **31-3 Applicability**

- A. General. This Chapter shall apply to all property and land within the City of Monterey.
- B. Sign Permit. A Sign Permit is required prior to the installation or display of any sign, except those exempt signs described herein. It is unlawful for any person, firm, organization, or corporation that owns, operates, controls, rents, or leases property or land in the City of Monterey to construct, maintain, display or alter, or to cause or allow to be constructed, maintained, displayed, or altered, a sign within the City except in conformance with this Chapter.
- C. Exempt Signs. The City has a compelling interest to exempt certain signs to further the purpose and objectives of this Chapter and to allow for the use of signs with minimal aesthetic impact. The following signs, described in Table 31-1, may be installed without a Sign Permit, provided that they meet the conditions, but may require a building permit or encroachment permit.

D.

TABLE 31-1: Exempt Signs	
Exempt Sign	Conditions
Address Signs	Maximum letter height of 12 inches and maximum area of 4 square feet.
Ancillary Information Signs	Maximum Aggregate area of 3 square feet
Construction Site Signs	Maximum Aggregate Area of 32 square feet per street frontage.
Electronic Open Signs	Maximum Area of 3 square feet Maximum of one sign per street frontage
Government and Community Signs	Traffic Control Signs Transit Signs not exceeding 3 square feet Street Identification Signs Utility Signs
Interior Signs	Any sign not visible from another lot of record or from a public right-of-way.
No Trespassing/No Parking Signs	Must be posted in compliance with Federal, State and local laws
Parking Lot Signs	Maximum Area of 3 square feet per sign
Real Estate Signs	Maximum of one sign per street frontage Maximum Area of 16 square feet per sign
Signs Required by Federal or State Law	Signs required for compliance with the Americans with Disabilities Act (ADA), California Coastal Act, etc.
Window Displays	Refer to definition
Window Signs	Maximum Area of 10% of window area or 4 square feet per window, whichever is greater

- E. Prohibited Signs. The City has a compelling interest to prohibit certain signs to uniformly further the purpose and objectives of this Chapter and to enforce local, state and federal law. The following signs are prohibited and subject to abatement by the City of Monterey:

TABLE 31-2: Prohibited Signs
Prohibited Sign
Signs intentionally oriented so as to be visible from a State or Federal Highway, public park, or public beach. Signs that are incidentally visible from a State or Federal Highway and/or are primarily directed towards another public street are not prohibited. If necessary, any such determination shall be made by the Architectural Review Committee.
Attention Getting Devices
Backlit Translucent Awning Signs
Electronic Message signs (excludes Traffic Control Signs)
Ground-mounted signs installed in the public right-of-way (excludes Government and Community Signs)
Highly Reflective and Fluorescent (day-glow) Signs
Off-Site Signs except for Commercial Directory Programs
Signs posted on trees, utility poles, traffic sign posts, light posts, traffic signals or any other official traffic-control device, in accordance with Section 21464 of the California Vehicle Code. (Excludes approved decorative streetlight banners)
Signs placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape, or parking lot.
Signs which simulate or imitate in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic.
Signs which are prohibited in a Specific Plan, Master Plan, Area Plan, or similar land use document adopted by the City Council.

### 31-4 Guidelines

- A. The City of Monterey has a compelling interest to adopt guidelines that will offer an equal and consistent basis for evaluating signs, will inform the public of the City's general expectations for the size, location, and design of signs, and will provide a clear means to achieve the purpose and objectives of this Chapter. As such, the City Council shall adopt, by resolution, Citywide Sign Guidelines that provide numerical and other design guidelines that prescribe a means for achieving the purposes and objectives of this Chapter.
- B. The sign guidelines contained in a Specific Plan, Area or Neighborhood Plan, or similar adopted land use document are intended to more specifically describe the expectations for signs in that particular area. Such guidelines shall be considered to preempt and replace the Citywide Sign Guidelines should there be a conflict. Otherwise, the Citywide Sign Guidelines shall apply to all areas within the City.
- C. As rigid numerical or other design standards may preclude exceptional design that might better achieve the purpose and objectives of this Chapter, exceptions to these Citywide Sign Guidelines may be offered by the Architectural Review Committee. Such exceptions may not be offered to prohibited signs and any resulting determinations shall

be supported by clear and descriptive findings that are consistent with and which achieve one or more of the purposes and the objectives of this Chapter.

### **31-5 Review Procedures**

- A. General Review. The Architectural Review Committee shall be primarily responsible for the review of sign applications to determine conformance with these standards and for the approval of Sign Permits. The Historic Preservation Commission shall be responsible for the review of sign applications on designated historic properties and shall apply these standards to such review.
- B. Concurrent Review. For projects involving new construction or exterior alterations that affect signs, an application for a Sign Permit may be submitted concurrently with the application for Architectural Review.
- C. Minor and Major Signs. The Architectural Review Committee shall adopt, by resolution, and maintain a list of sign types that are determined Minor Signs or Major Signs. The review of these signs shall be conducted as follows:
  - 1. Major Signs shall be reviewed by the Architectural Review Committee or Historic Preservation Commission.
  - 2. Minor Signs shall be reviewed administratively by City Planning staff. At the specific request of any interested party or staff, any Minor Sign application may be referred to the Architectural Review Committee or Historic Preservation Commission for an administrative decision.
- D. Appeal. Any final decision of City staff may be appealed to the Architectural Review Committee within ten (10) days of the decision. Any final decision of City staff on historic designation properties may be appealed to the Historic Preservation Commission within ten (10) days of the decision. Similarly, any decision of the Architectural Review Committee or Historic Preservation Commission may be appealed to the Planning Commission. All appeals shall proceed pursuant to the process described in Monterey City Code section 38-203 et seq.
- E. Multitenant Sign Program. A Multitenant Sign Program is required for all multitenant buildings with multiple tenants. In cases where a multitenant building does not have an approved Sign Program, a new Sign Permit shall not be approved until a Sign Program is approved for the entire building and/or site.

### **31-6 Submittal Requirements**

Submittal requirements for Sign Permit applications shall be developed, maintained, and adopted by the Plans and Public Works Department, shall be made available to the public at City Hall, and shall be subject to review and oversight by the Architectural Review Committee or Historic Preservation Commission.

### **31-7 Required Findings for Approval**

- A. Findings. In order for a sign permit application to be approved and a sign permit to be issued pursuant to this Chapter, the Architectural Review Committee, Historic Preservation Commission, or the City Planning staff, as applicable, must first make the following findings. Such findings shall be made in writing.
  - 1. The proposal achieves the purposes and objectives of this sign ordinance;
  - 2. The proposal is consistent with all applicable sign guidelines or has been determined by the Architectural Review Committee to better achieve the purpose

- and objectives of this sign ordinance than the strict application of said sign guidelines; and
3. The proposal is consistent with any other adopted land use document including, but not limited to, the Monterey General Plan, Area or Neighborhood Plans, Design Guidelines, or Specific Plans.

### **31-8 Maintenance, Duration and Extension, Appeals**

- A. Installation and Maintenance. The approved sign shall be installed and maintained indefinitely as shown on the approved plans unless a formal request for revision or a subsequent application is approved by the Architectural Review Committee, Historic Preservation Commission or City Planning staff, as applicable. Sign requirements imposed by any other department, division, board, or agency, within the City of Monterey or otherwise, must be consistent with the Sign Permit. If sign requirements imposed by any other department, division, board, or agency are inconsistent with the Sign Permit, the permittee must apply for the terms of the Sign Permit to be modified within five (5) days. All signs must be maintained in the same condition as when the sign was installed. Failure to maintain the Sign in its approved condition constitutes a violation of the Monterey City Code. Normal wear and tear of aged signs shall be repaired when they detract from the visible quality of the sign, as determined by the City Planning staff. When signs are repaired, they must be done so in a manner (paint colors shall match, etc.) that is consistent with terms of the Sign Permit. When signs are removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall within thirty (30) days of the date of the removal.
- B. Abandoned or Unsafe Signs. Any sign, including its supporting structure, which after a lapse of at least sixty (60) days, no longer identifies the current occupant, shall be deemed an abandoned sign and a public nuisance. It shall be removed, along with any supporting structure, by the owner of the property on which it is located within thirty (30) days of written notice by the City. Any sign that, in the opinion of the Building Official, is unsafe or insecure, shall be deemed an unsafe sign and a public nuisance, and shall be corrected or removed, together with any supporting structure, by the owner of the property on which the sign is located, as directed by the Building Official.
- C. Duration and Extension. If a building permit has not been granted within two (2) years of the date of approval of the Sign Permit or if a sign not requiring a building permit has not been installed within two (2) years of the date of approval of the Sign Permit, the Sign Permit approval shall be null and void, unless extended by the Architectural Review Committee, Historic Preservation Commission, or the City Planning staff. Requests for an extension shall be made in writing a minimum of ten (10) days prior to the expiration date.
- D. Effective Date and Appeals. Decisions of the Architectural Review Committee, Historic Preservation Commission, or City Planning staff shall become effective on the tenth day after the date of a decision, unless appealed by any interested party under Monterey City Code section 38-203 et seq.

### **31-9 Sign Abatement**

- A. Legal Nonconforming Signs. Signs which lawfully existed prior to the adoption of this Chapter and are now or may hereafter be prohibited by this Chapter, as the same may be changed from time to time, are deemed to be legal nonconforming signs.

- B. Qualifying Circumstances. Legal nonconforming signs may be maintained indefinitely after the adoption of this Ordinance. However, if at any time any of the following circumstances occurs, the legal nonconforming signs shall be removed or made to be conforming:
1. Additional signs or a Multitenant Sign Program is requested for the same site or building;
  2. There is a change in Land Use Classification of the entity or property served by the sign;
  3. The sign is intentionally or unintentionally removed or altered for any reason.
  4. Enforcement. Any sign not in compliance with this Chapter is hereby declared to be a public nuisance and may be remedied pursuant to the procedures set forth in Monterey City Code section 22-38.3 (Remedies for Public Nuisance).
  5. Failure of the City Planning Staff to notify the property owner and/or the operator does not authorize the continued use of the sign or release the property owner and/or operator from compliance with this Section.

### 31-10 Definitions

- A. A-Frame Sign. A small portable freestanding sign.
- B. Address Sign. Sign installed in compliance with Article 901.4.4 of the 1997 Uniform Fire Code.
- C. Ancillary Information Signs. Small signs generally used in commercial business including, but not limited to, information regarding credit cards, property management, hours of operation, Open, etc.
- D. Architectural Review Committee (ARC). The committee established in Monterey City Code section 26-20 et seq., and granted the responsibility to review sign applications, per this Ordinance.
- E. Attention Getting Device. Pennants, streamers, spinners, balloons, inflatable signs, search lights, beacons, flashing lights or messages and other similar attention-getting devices.
- F. Awning Sign. A sign that is painted on, attached to, or applied directly to an awning.
- G. Backlit Translucent Awning Sign. Any sign located on an awning that is translucent or semi-transparent and illuminated from a light source under or within the awning.
- H. Banner Sign. A flexible sign of lightweight fabric or similar material typically supported at two or more points and hung on a building or otherwise suspended down or across its face, or across a public right-of-way.
- I. Building Face. A vertical planar wall surface including windows that is at least ten (10) feet in width and eight (8) feet in height and constitutes a distinct perimeter boundary of the building.
- J. Building Frontage. The horizontal distance along a Building Face that is oriented in parallel to a public right-of-way.
- K. City Planning staff. As used in this document, the City Planning staff of the City or Monterey or a designee.
- L. Commercial Directory Program. A coordinated system of signs installed in the public right-of-way and/or on private property that provide directional information regarding specific sites, institutions, and/or commercial businesses.
- M. Construction Site Sign. A temporary sign located on a construction site that denotes or advertises the architect, builder, contractor, sub-contractor, developer, funding source, etc. or describes the project.

- N. Corner Sign. A sign that is installed on the corner of a building and is intended to be viewed from more than one direction. Corner signs are generally oriented at an approximate forty-five (45) degree angle toward the intersection.
- O. Directory Sign. A sign that is installed against an exterior building wall and provides a listing of the tenants inside of a multitenant building.
- P. Electronic Sign. Any sign that conveys any message through the use of electronic display, Light Emitting Diodes (LED), Liquid Crystal Display (LCD), television or computer screen, or other electronic medium, including but not limited to OPEN, product listing, or similar signs in windows. This does not include neon signs.
- Q. Freestanding Sign. A sign that is installed apart from a building.
- R. Government and Community Sign. Signs installed by the City of Monterey or other public agency or utility with the sole purpose of promoting public safety or well-being. This excludes signs denoting public facilities or garages.
- S. Halo-lit Sign. Any sign constructed in such a way that illumination is projected from directly behind the lettering, creating a continuous glow behind and around the letters. Also known as reverse channel letters.
- T. Hanging Sign. A sign that is suspended in parallel to the building face, generally in front of a window, balcony opening, or other recess.
- U. Height. The height of a sign is the vertical distance from the top of the sign to the grade directly below the sign. In cases of freestanding signs, height is the measurement is to the lowest grade within six (6) linear feet of the base of the sign.
- V. Highly Reflective and Fluorescent Sign. Signs made wholly or partially of highly reflective material and fluorescent or day-glow painted signs.
- W. Illegal Sign. An illegal sign is any sign which does not meet the requirements of this code and is not a legal non-conforming sign.
- X. Internally-Illuminated Sign. Any sign constructed in such a way that illumination is wholly or partially achieved by projecting light through a transparent or semi-transparent solid surface.
- Y. Legal Non-Conforming Sign. A sign that was lawfully installed with a Sign Permit but does not comply with the current sign standards.
- Z. Lot Frontage. The horizontal distance along a lot line adjacent to a public street.
- AA. Lux. The SI unit of illuminance and luminous emittance measuring luminous power per area. It is used in photometry as a measure of the intensity, as perceived by the human eye, of light that hits or passes through a surface. One (1) Lux is equal to one (1) lumen distributed over an area of one (1) square feet.
- BB. Monument Sign: A freestanding sign with a solid pedestal.
- CC. Multitenant Sign Program. A comprehensive design document that describes the allowed size, materials, and location of signs for each storefront and/or tenant in a multitenant building.
- DD. No Trespassing Sign. Trespassing warnings that are posted in compliance with the requirements of Federal, State and local laws.
- EE. Off-Site Sign. A sign advertising a business, product, or service not located on the same premises. This definition includes billboards.
- FF. Outdoor Display. A sign consisting of displayed merchandise, mannequins, or other objects or products displayed outdoors for the purpose of attracting attention to the premise or business.
- GG. Parking Lot Sign. A sign installed in parking lots that restricts the use of parking spaces for certain businesses, that states no parking, provides directional information to on-site motorists, or similar non-commercial message relating to parking lot management.



- HH. Pole Sign. A sign with a minimum height of 8', as measured to the top of the sign, that is installed atop a pole or other similar structure that is solely intended to elevate the sign to increase visibility.
- II. Premise. A single lot of record and all of the buildings contained thereon. Adjoining lots of record under common ownership do not constitute a single premise but are considered individual premises.
- JJ. Projecting Sign. A small sign that projects perpendicularly from the face of a building and generally overhangs a walkway.
- KK. Public Entrance. An exterior doorway providing access to the public during ordinary business hours.
- LL. Real Estate Sign. A sign indicating that the property on which the sign is located is for sale, rent, or lease and providing relevant contact information.
- MM. Sign. Any visual device or representation designed or used for the purpose of communicating a message or identifying or attracting attention to a Premise, produce, service, person, organization, business or event, with or without the use of words.
- NN. Sign Area. The area of a sign calculated by determining the number of square feet of the smallest rectangle(s) within which a sign face can be enclosed. In determining the area of an individual sign that has more than one face (e.g. a Freestanding or A-frame sign), the single sign face with the greatest area shall be used. Perfectly circular signs are measured by determining the circular area ( $A=\pi r^2$ ) of the sign face.
- OO. Sign Face. The sign face is any visible portion of a sign, including all characters, symbols, and structural or nonstructural background (e.g. cabinet frame or painted border), but not including the base of a freestanding sign.
- PP. Sign Height. The height of a sign is the vertical distance from the top of the sign to the grade directly below the sign including the support structure and any projecting design elements. For freestanding signs, sign height shall be measured to the lowest grade within six horizontal feet of the base of the sign to account for any significant change in grade, retaining walls, mounded earth, etc.
- QQ. Sign Permit. A written approval supported by appropriate findings issued by the City of Monterey authorizing display of a sign or signs, or of a multitenant sign program.
- RR. Storefront. A storefront is a distinct architectural unit within a building that contains a distinct public entrance accessible from a public sidewalk or private walkway. In cases where multiple tenants share a single public entrance, the entire area containing the entrance shall be considered a single storefront and sign area shall be permitted accordingly.
- SS. Street Identification Sign. A sign installed by the City of Monterey to identify a street.
- TT. Temporary Banner Sign. A Banner Sign that is displayed on a temporary basis.
- UU. Traffic Control Sign. A Sign installed in the public right-of-way with the sole purpose of controlling or directing traffic, or conveying traffic-related information to motorists.
- VV. Transit Sign. A Sign identifying transit stops, facilities, times and bus routes.
- WW. Utility Sign. A Sign temporarily placed by utility companies as part of the normal operation and maintenance of facilities such as public telephones and underground services.
- XX. Wall Sign. A Sign that is painted, applied, projected, or attached directly to or within eight (8) inches of a vertical exterior wall of a building and is oriented in parallel to the building face.
- YY. Window Area. The product of the height and width of a window as measured to the interior finished structural members that support the installed windows. Window Area shall not consider individual non-structural window dividers or mullions.

- ZZ. Window Display. A window display is an arrangement of merchandise, including graphics and text that is at least eighteen (18) inches in depth and is displayed in a building window. If a window display includes a sign greater than four (4) square feet located within eighteen (18) inches of the window surface, it is considered a sign.
- AAA. Window Sign. A sign painted directly on a window, affixed to the inside of a window, or located inside facing a window and located within eighteen (18) inches of a window surface.

SECTION 5: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 20th day of March, 2012, by the following vote:

AYES:	4	COUNCILMEMBERS:	Downey, Haferman, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	1	COUNCILMEMBERS:	Selfridge
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

*Chuck Della Sala*  
Mayor of said City

ATTEST:

*Catherine A. Payne*  
City Clerk thereof

STATE OF CALIFORNIA )  
COUNTY OF MONTEREY )  
CITY OF MONTEREY )

I, Catherine Raynor, SENIOR ASSISTANT CITY CLERK OF THE CITY OF MONTEREY, AND EX-OFFICIO CLERK OF THE COUNCIL THEREOF, HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY PASSED TO PRINT IN THE OFFICIAL NEWSPAPER OF SAID CITY BY THE COUNCIL THEREOF ON THE 6<sup>th</sup> DAY OF MARCH 2012, BY THE FOLLOWING VOTE:

AYES:	5	COUNCILMEMBERS:	Downey, Haferman, Sollecito, Selfridge, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
RECUSED:	0	COUNCILMEMBERS:	None



DATED: March 6<sup>th</sup>, 2012

CITY CLERK OF SAID CITY