

ORDINANCE NO. 7,847-N.S.

AMENDING BERKELEY MUNICIPAL CODE (BMC) SECTION 20.12.070 TO MODIFY THE SIGN ORDINANCE, MODIFYING CHAPTER 20.16 TO ADOPT SECTION 20.16.105 INTRODUCING A COORDINATED SIGN DESIGN PROGRAM, AND AMENDING SECTION 23.406.070 OF THE ZONING ORDINANCE FOR CONSISTENCY WITH THE SIGN ORDINANCE.

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

Section 1. That BMC Section 20.12.070 is hereby amended to clarify the issuance process and when signs are exempt from Design Review as follows:

20.12.70 Issuance authorized when.

A. Applications for proposed signs or alteration/relocation of existing signs are subject to review by the Director of Planning and Development or their designee, including specifications for compliance with all requirements of this title.

B. The Building Official shall determine if a sign requires a Building Permit or Electrical Permit to meet the requirements of the Berkeley Building Code.

C. A building permit and/or an electrical permit for a sign subject to Design Review pursuant to Section 23.406.070 shall not be issued until Design Review approval has been granted and the permit has been found in conformance with the approved design.

D. A Coordinated Sign Design Program may, at the applicant's discretion, be reviewed and approved simultaneously with or subsequent to Design Review for a building.

E. *Exempt Signs.*

1. Approved existing signs may be refaced, re-painted or replaced with the same location, size, and design, subject to review by the Building Official in cases where a Building Permit is required.

2. Signs pursuant to a Coordinated Sign Design Program may be installed and replaced without Design Review and shall be approved with a Zoning Certificate, subject to review by the Building Official in cases where a Building Permit is required.

Section 2. That BMC Section 20.16.105, Coordinated Sign Design Programs, is hereby added as follows:

20.16.105 Coordinated Sign Design Programs.

A. *Purpose.*

1. To create a streamlined sign review process for development projects, projects with multiple signs, and projects with multiple tenants.

2. To ensure consistent design, quality and display of signs.

B. *Applicability.* The following projects are eligible for a Coordinated Sign Design Program:

1. Four or more contiguous non-residential tenant spaces.

2. Four or more permanent non-exempt signs associated with one development project, business or Use Permit.

3. Projects with unique characteristics, including but not limited to site visibility and site location, as determined by the Director of Planning and Development or their designee.

C. Approval and Appeal Authority.

1. A Coordinated Sign Design Program may be part of preliminary or final Design Review and shall be decided upon by the Design Review Committee or Landmark Preservation Commission, according to their jurisdiction. Appeals shall be heard by the Zoning Adjustment Board whose decision is final.

2. The Building Official shall determine if a sign allowed under a Coordinated Sign Design Program requires a Building Permit or Electrical Permit to meet the requirements of the Berkeley Building Code.

D. Regulations.

1. A Coordinated Sign Design Program shall outline regulations including, but not limited to, sign area, number of signs, maximum height, and location.

2. A Coordinated Sign Design Program may include exceptions to the regulations established in this Chapter when deemed necessary or desirable.

E. Application Requirements. A Coordinated Sign Design Program shall include all information and materials required in administrative guidelines published by the Planning Department, including the Coordinated Sign Design Program fee in the Fee Schedule.

F. Findings. In order to approve a Coordinated Sign Design Program, the following findings shall be made:

1. The Coordinated Sign Design Program complies with the purpose of this Chapter;

2. The Coordinated Sign Design Program ensures proposed signs enhance the overall project;

3. The Coordinated Sign Design Program ensures proposed signs are in harmony with other signs and structures included in the project;

4. The Coordinated Sign Design Program ensures proposed signs are in harmony with surrounding development;

5. The Coordinated Sign Design Program contains provisions to accommodate Change in Use or new tenants; and

6. The Coordinated Sign Design Program complies with the standards of this Chapter and/or includes specific exceptions as deemed necessary or desirable.

G. Revisions to Coordinated Sign Design Programs. Revisions to Coordinated Sign Design Programs shall be considered by the original decision-maker.

H. Binding Effect.

1. A Coordinated Sign Design Program, once adopted, shall be adhered to unless amended.

2. A Coordinated Sign Design Program shall be enforced in accordance with this Chapter.

Section 3. That BMC Section 23.406.070.B is amended as follows:

23.406.070.B Design review.

B. When Required.

1. Design Review is required for:
 - a. Projects in all Non-Residential Districts.
 - b. Mixed use and community and institutional projects in the R-3 district within the Southside Plan area. See Figure 23.202-1: R-3 Areas Subject to Design Review; and
 - c. Commercial, mixed-use, and community and institutional projects in the R-4, R-SMU, and R-S districts.
2. As used in Paragraph (1) above, "project" means an activity requiring a building or sign permit that involves any of the following:
 - a. Modifying the exterior of an existing structure.
 - b. Additions to an existing structure.
 - c. Demolishing all or a portion of an existing structure.
 - d. Removing all or part of a building facade fronting the public right-of-way.
 - e. Constructing a new structure.
 - f. Installing a sign or replacing a sign with a different location, size, or design.
 - g. Signs not part of a Coordinated Sign Design Program.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 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.

At a regular meeting of the Council of the City of Berkeley held on November 29, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.