



**Draft for Planning Commission review
on May 29, 2013**

Council Date: June 25, 2013

SUBJECT: 2011-7070 Discussion and Possible Action to Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code (Study Issue)

REPORT IN BRIEF

Council directed that the sign code be studied in order to address ways to assist smaller businesses in shopping centers to have effective identity from the street, and to better organize and simplify the existing sign code (see study issue paper in Attachment A).

To address these concerns, as well as other issues that have arisen in the past regarding the City's sign standards, staff undertook a comprehensive revision of the sign code (Attachment B). The revised sign code balances two key goals: maintaining Sunnyvale's attractive community character by avoiding excessive commercial signage, and adjusting and simplifying certain sign standards to allow more opportunities for businesses to effectively identify themselves. As part of the rewrite of the code, staff also reformatted the code for easier use by businesses, sign companies and staff. Attachment C provides a list of existing and proposed changes that are part of the code. In general, the following approaches were used:

1. Allow larger wall signs to ensure easy visibility.
2. Allow businesses more flexibility to address their unique locational or business needs. This flexibility may include allowing a business to install multiple wall signs rather than just one, or placing a sign along the side of the building rather than the front façade only. The overall sign area allowed would be the same, regardless of the number of signs used on a building face.
3. Allow more on-site sign opportunities for shopping centers. These opportunities could include allowing A-frame signs on private property and not visible from the street.
4. Add sign types not currently allowed, such as digital signs and projecting or "fin" signs, which are signs that are mounted perpendicular to a building wall rather than flush to the wall.
5. Increase temporary sign options, including allowing for longer periods of time to display such signs.
6. Allow residential business signs (maximum two square feet) to assist home-based businesses.

7. Redefine political signs as non-commercial message temporary signs to be consistent with sign neutrality concerns. A temporary sign that does not identify a business is covered by this definition, and the proposed code provides no limit on the total number of signs, but does limit the aggregate sign area of 16 square feet on a property at one time.

Staff recommends introducing an ordinance to repeal and amend SMC 19.44 Regulatory Sign Code.

BACKGROUND

The current sign code was adopted in 1985, and there have been numerous amendments made to it since that time. Examples of recent changes include: increasing the height of ground signs along El Camino Real, increasing the length of time a temporary sign can be in place from 60 to 90 days, increasing the number of tenants allowed on a ground sign and allowing additional ground signs for properties with more than 300 foot street frontage. Many of these changes were made to address concerns from businesses.

In 2011, a small business owner requested a study issue to address how to provide visible signage for businesses located in larger shopping centers out of immediate view of the street. When Council sponsored the study issue, staff suggested expanding the work to include an entire rewrite of the sign code because amending the code every few years has resulted in a code that is inconsistent, difficult to read and understand, and does not address new sign technologies.

Signs are a cost-effective and simple way to convey a message. They can be used to express an opinion or position, or to promote a business. They affect the community character, and can reflect on a business's image. Signs also add to distractions found on a road (including street signals, street signs, moving traffic, inattentive drivers, emergency vehicles, turns in the road, parked cars, buildings, etc.) which affect the relative safety for vehicles, pedestrians and bicyclists. The same thing a sign is meant to do (attract attention) can also create clutter.

Safety Issues

A key concern in preparing a sign code is ensuring the safety of motorists, pedestrians and bicyclists from distractions found along the street. Signs serve the purpose of gaining a driver's attention to businesses, but too many signs or moving and animated signs could distract a driver. Finding a proper balance between these two aspects is important. For instance, the City allows balloons (which move and gain attention) placed on a property to highlight a sale event, but prohibits "sign mascots" (also known as sign twirlers or dancing men) that stand on the sidewalk and hold and spin a sign advertising a nearby business. The reason is that a balloon may capture your attention for a short period of time, but a sign that moves could consume more time, which is when a driver

may not be focusing on driving. Although businesses see real value in having these types of signs, concerns about distracting drivers must also be considered. Studies have shown (including those considering the effect of drivers that text on their phones) that a driver not paying attention to driving for more than 2.5 seconds is a distracted driver.

These concerns were considered in preparation of the proposed sign code. Streets like El Camino Real already have many distractions- e.g., six lanes of traffic, parked cars on the street, many types of signs, cars travelling at different speeds, cars turning into driveways, busses pulling in and out of the travel lane and people trying to locate their destination. The sign code is prepared with sensitivity to the many distractions that exist along a street, and business needs are balanced with the need to maintain the safety of motorists, bicyclists and pedestrians.

Content/First Amendment Rights

A key area of concern in writing a sign code is to ensure that it respects First Amendment rights. Sign ordinances are among the most complex laws a city will adopt, from a First Amendment perspective. Simply put, a city is very limited in regulating the content of a sign. This applies not only to political signs, but business signs as well.

In general, the information shown on a sign is off limits for a city to regulate. One aspect that can be regulated is commercial versus non-commercial (or free or political) speech. A city can prohibit commercial signs in residential areas, but signs with a non-commercial message are allowed greater opportunities. The proposed sign code is written to meet today's legal standards.

Sign Code Literature and Other Cities' Codes

Staff reviewed several publications and studies on sign placement and many other cities sign codes as part of the study. Twenty sign codes (including most Santa Clara County cities) were used in preparing the revised sign code (see Attachment D). In reviewing these codes, staff found no consistency with how cities prepare a sign code. Sign codes tend to have many provisions based on location and type of signs. Showing an easy "like-for-like" comparison is difficult.

Overall, the existing Sunnyvale sign code is less restrictive than most cities. Some cities may allow more and larger signs for specific uses (such as for auto dealerships), but overall, the allowances in Sunnyvale exceed what is found in the majority of other cities (including sign height, size and temporary sign durations). Sunnyvale's consistent enforcement practices provide an environment with few sign code violations; other cities may not consistently or stringently enforce sign violations.

EXISTING POLICY

GOAL CC-2 ATTRACTIVE STREET ENVIRONMENT — Create an attractive street environment which will complement private and public properties and be comfortable for residents and visitors.

Policy CC-2.1 Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable and improve the enjoyment of residential neighborhoods.

Policy CC-2.2 Minimize elements which clutter the roadway and look unattractive.

Policy LT-2.1 Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

Policy LT-4.13 Promote an attractive and functional commercial environment.

Policy LT-7.3 Maintain an attractive business community.

Policy CC-1.7 Encourage neighborhood patterns that encourage social interaction and avoid isolation.

DISCUSSION

The existing sign code has been amended numerous times over the past 28 years; these frequent changes have made the sign code difficult to read and administer. In order to address this problem, the proposed revisions follow the same logical format as the overall reorganization of the zoning code that is currently in progress.

The revised sign code attempts to balance the many issues that have been identified before and during this study. The rewriting of the code was guided by policies to balance business needs with desired community character and driver safety. The following sections present the concerns raised, possible approaches, and the reason why a specific action is recommended.

Sign Code Considerations

The key features considered in the sign code preparation include:

Safety: A sign code should balance the need of business identification with driver safety by ensuring that signs do not create too many distractions for drivers.

Content neutrality: The sign code should be revised to respect legal constraints regarding sign content.

Aesthetics: Signs that are well designed and compatible with the building and setting promote a positive impression of the business and an attractive community image.

Clear and useful code: A clearly written sign code provides businesses, sign companies, decision-makers, the community and staff with the tools necessary to ensure signs meet business needs and community standards. It will also result in clearer standards for easier enforcement.

Sign Code Proposed Changes

Staff has met with several businesses, property managers and sign companies in preparing the revised sign code. Many of the ideas for the proposed changes came from these discussions and feedback. The following changes are recommended:

Simplify: The proposed sign code has been completely rewritten using the overall zoning code reorganization as a guide.

- A. *Organization*. The proposed code is more intuitive and reduces the need for a reader to jump throughout the code to find the information they need. In order to facilitate this, the proposed code begins with a clear purpose that explains the basis for the remainder of the code. The code includes clear definitions and descriptions of exempt and prohibited signs, as well as general requirements for all signs.
- B. *District-specific*. Sign requirements have been separated by zoning district. This allows businesses and sign companies to look at one section of the code for all detailed sign requirements for the zoning district in which the business is located. District-specific regulations also allow for different standards in different areas of the city. For instance, signs can be larger on El Camino Real than in neighborhood shopping centers.
- C. *Master Sign Programs*. The proposed code streamlines the review process for smaller shopping centers or multi-tenant complexes by raising the threshold when a master sign program must be prepared, from currently two or more tenants to six or more tenants. Master sign programs (MSP) require all permanent signs for a property to be included in the program. MSPs are expensive to prepare and can affect properties that would not necessarily benefit from the increased paperwork.

Consider business needs: Signs are a crucial part of a business's success, and the revised code has been written with greater flexibility in how a business owner can choose to advertise its business with on-site signage. Examples of less restrictive sign standards and increased sign options include:

- A. *Larger signs.* Allow an increase in size of signs along El Camino Real, but not necessarily allow more signs. El Camino Real is a wide street, with many buildings set far back from the street, and allowing larger signs would increase visibility.
- B. *More on-site signs.* Allow more sign options directed at patrons once they are on site, especially for multi-tenant buildings. This feature would provide greater visibility for businesses and give more them more options and flexibility.
- C. *Increased allowance for temporary signs.* Allow temporary signs for longer periods of time, but not necessarily more temporary signs. Temporary signs legally placed provide businesses with the opportunity to display information about promotions, sales events, etc.; limiting the number of signs would ensure sign clutter does not occur.
- D. *Projecting or “fin” signs.* Allow the option for wall-mounted signs to be placed perpendicular to the building wall. Fin signs are currently permitted in the downtown only. An encroachment permit would still be needed if the sign projects into the public right-of-way.
- E. *Signs on side building elevations.* Allow wall signs to be mounted on the side of a building perpendicular to the street for visibility by approaching motorists and pedestrians. The current code allows these wall signs only along Evelyn Avenue between Bernardo and Mary Avenues. This change was made in 2011 to address a specific concern for businesses located on Evelyn Avenue. The same issues and conditions exist elsewhere in the city and staff proposes to expand this option to the entire city. The overall sign area would not be increased, and restrictions have been added to ensure compatibility with any nearby residential area.
- F. *Allow Both Ground and Wall Signs.* Allow businesses the option of having both a wall sign and a ground sign. The current code allows both types of signs only if there are multiple tenants/businesses or a single business that exceeds 10,000 square feet in size. There are many smaller properties below the 10,000 square foot standard that could benefit from an additional sign, without creating additional clutter along the street.
- G. *Innovative Signs.* Consider allowing certain “new” types of signs in the city, such as electronic message centers (also known as LED, digital or changeable copy signs), and building wraps (signs placed on multi-story buildings taking up several stories of the outside of the building). Care needs to be taken to assure the digital sign (also known as an Electronic Message Center- EMC) maintains a relatively static display and does not create moving or animated displays to ensure it addresses the safety concerns. If EMCs are desired, staff recommends allowing them along the commercially-focused El Camino Real corridor, but not in neighborhood commercial areas. Staff is not recommending building wraps except for Block 18 of Downtown.

- H. *Content Neutral*. Remove the current requirements that limit “items of information” and “essential information” allowed on a sign with a content neutral standard to be consistent with rights of free speech. This includes signs with web site addresses, phone numbers, and text in different languages. In order to ensure signs do not become overly complicated, a minimum letter height is proposed. This minimum, along with sign size limitations, would result in a sign that would be easy to read but gives the business the flexibility to choose the message.
- I. *Exception Process*. Allow exceptions for specific elements of a sign. The current code allows a variance only for the height of a ground sign. The proposed code allows exceptions to sign area, height, location and copy height in specific cases, such as building orientation, architectural element restrictions, etc. Specific findings would be required to be met in order for an exception to be approved. The exception would be an administrative decision, appealable to the Planning Commission.
- J. *Residential Signs*. Allow residences to include a small sign identifying a home business. The sign code (and home occupation standards) currently prohibits business signs in residential areas. The proposed code would allow each residence a two square foot sign placed on or adjacent to the front door. This provision recognizes the growth and evolving importance of home-based businesses in the local economy, but limits the signage so that it will not detract from the neighborhood. Certain businesses (such as on-line automobile brokers with no on-site inventory) are appropriate as a home business, but the DMV requires a sign on the property. Currently, these types of businesses cannot operate from a home because the current code prohibits residential signs; the draft ordinance includes amending that portion of the zoning code.
- K. *Multiple Signs*. The proposed code would allow a business to take their maximum sign area and divide it into fewer individual signs (without exceeding the overall sign area). The goal of this provision is to allow businesses more flexibility in determining the best location for them to place signage. This is currently allowed along Evelyn Avenue between Bernardo and Mary Avenues, a change that was allowed a few years ago, and the proposed code would allow it throughout the city.

Safety concerns: This important aspect of signage was addressed in the new code as follows:

- A. *Minimum Copy Height*. A key aspect of sign safety relates to the height of letters and copy on a sign. Small letters are difficult to see and can result in a driver’s attention focused on seeing the small text while driving. The Federal Highway Administration requires minimum letter size on safety signs, including a six inch minimum for commercial-type roads. While the revised code does not regulate the content of a sign, it does include a provision that lettering (or copy) on a sign cannot be less than six inches in height. In addition to the minimum copy height, the proposed code

would increase the maximum copy height, which would benefit larger businesses.

- B. *Animated or Moving Signs*. Many businesses involved with the study requested allowing sign mascots on the street to advertise and identify their businesses. This relatively inexpensive temporary sign option can provide a business with visibility at the street, where other signs may not be feasible for that business. However, studies have shown that moving, twirling and animated signs create distractions for drivers. This is why most cities restrict motion as part of the signs, such as sign mascots. Another sign that can have motion is a digital sign (or EMC). In order to address this, most cities (and Caltrans) require the EMCs to keep a message up for a minimum of four seconds without motion as a part of the message. The proposed code would not allow sign mascots and would require EMCs only if the screen stays static a minimum of 30 seconds

Shopping center concerns: A key component of the sign code revision is to address the difficulty that smaller businesses in multi-tenant shopping centers have in creating an on-street identity. This is difficult for several reasons. Allowing every business in a shopping center to be on a ground sign creates a sign that is unattractive and contains more information than a driver can see without being distracted. The larger the shopping center (and subsequent increase in the number of businesses), the more difficult it is to allow each business the opportunity for street signage.

Several years ago the existing code was changed to allow the number of allowable business names on ground signs to be increased to four plus allowing the shopping center name. Additionally, the minimum property frontage where a second ground sign is allowed decreased from 500 feet to 300 feet.

Staff has found that some property owners and managers do not take advantage of current sign allowances. In preparing the revised code, staff met with several businesses, provided survey opportunities, met with property owners and managers, and sign companies with the goal of understanding the issues and possible solutions. It became obvious that many affected businesses are not aware of what is currently possible. CDD and Economic Development staffs will work together and hold workshops and outreach to businesses, property owners, and property managers about what the code allows. Staff believes that simplifying the code will help property owners understand their allowable signage options, and supplemental information hand-outs may also be helpful.

In addition to the above revisions, staff also recommends the following revisions to improve the visibility of businesses within shopping centers:

- A. *Ground signs.* The proposed sign code removes the provision that limits shopping center ground signs to four businesses and the center name. This is to address the content neutrality issue. The result can benefit businesses in shopping centers because it may be possible to add business names to signs. The proposed code maintains an overall sign area limitation and adds the minimum copy height limitation to ensure shopping center signs do not result in too much clutter and will be easy to read.
- B. *Temporary signs.* Increase the temporary sign allowance from 90 days to 120 days. These include banners, streamers, pennants and flags to promote a business. The code would not allow these signs in the landscaped area in order to limit the distractions to drivers and visual clutter of the street environment.
- C. *More on-site signs.* Provide more sign opportunities on-site, such as A-frames or similar signs. The current code prohibits A-frame signs, except in the historic block of S. Murphy Avenue. The proposed code would allow A-frame signs provided they are not easily visible from the street and do not interfere with pedestrian access. This provision would assist business identification once a patron is on the property.

General Requirements: In addition to the above-mentioned changes, the following revisions are also recommended:

- A. *Illumination standards.* Include illumination standards to ensure signs are: not too bright, cause distractions, or impact residential uses.
- B. *Bounce houses.* Remove the bounce house requirements from the sign code. Staff believes that bounce houses are more appropriately classified as temporary structures.
- C. *Remove balloon restrictions.* Remove the balloon size and number regulations. This is an overly complicated method of regulating a temporary sign (which balloons are considered). Staff does recommend balloons not extend over the public right-of-way, and that metallized Mylar (or foil) balloons not be allowed (due to concerns about safety near power lines).
- D. *Inflatable objects.* Simplify the requirement for large inflatable objects from being no higher than the height of the building (for instance, a 15 foot tall building would be allowed a 15 foot inflatable object on the roof) to a simpler requirement of a maximum height of 10 feet above ground, or, if on the roof, 10 feet above the top of the roof. The definition of a “large inflatable object” has been modified to reflect larger than 14 inches in diameter. Anything less than 14 inches is considered a balloon.

Permit Requirements: The existing code currently requires permanent signs to receive approval of a Miscellaneous Plan Permit from the Planning Division, unless the property has a Master Sign Program or the change is minor in nature. A building permit may be required for permanent signs. The proposed

code would maintain the same process to require a Miscellaneous Plan Permit. Public notice is not required for these permits, but the decision can be appealed to the Planning Commission, whose decision would be final. Currently, temporary signs require a permit (with exceptions), and that process would be the same under the new code.

Information Sheets: The new sign code provides new opportunities to businesses and clarifies many aspects of signs in the City. In order to assist staff, businesses and the public in understanding the options available and new code requirements, staff will prepare information sheets that will describe, in graphic form, possible sign options and solutions that conform to the code.

ENVIRONMENTAL REVIEW

A Negative Declaration was prepared in accordance with California Environmental Quality Act (CEQA) provisions. The Negative Declaration found that no significant impacts would result from the sign code revisions.

FISCAL IMPACT

The recommended changes to the Sign Code would not create a fiscal impact to the City. All currently legal signs would be allowed to remain as no amortization program is recommended. The sign code would create few non-conforming signs. However if there was interest in an amortization program there would be a fiscal impact to survey all signs to determine exactly which ones are non-conforming and the develop an amortization schedule. Additionally, the revised sign code with an increase in allowable signage options might have economic benefits for businesses which would translate to incremental fiscal benefits for the City.

PUBLIC CONTACT

Several public outreach meetings were held for the study, in addition to several Planning Commission study sessions and one Council study session. Also, surveys were offered as a way to gain public input. See Attachment E for a detailed description of the extensive outreach efforts for this study.

Public Contact for the public hearing was made through posting of the public hearing agendas on the City's official-notice bulletin board, on the City's Web site, a notice in the newspaper, notices and report sent to interested parties and the availability of the agenda and report in the Office of the City Clerk.

ALTERNATIVES

1. Introduce an ordinance to amend the sign regulations in Chapter 19.44 and relating sections of Title 19 (Zoning) of the Sunnyvale Municipal Code (Attachment B).
2. Adopt an alternative with modifications.
3. Direct staff to return with significant changes to the revised sign code.
4. Make no changes to the current regulations.

RECOMMENDATION

Alternative 1.

The revised sign code simplifies the sign code process and provides flexibility and additional options for businesses, and maintains necessary safety considerations and community character expectations. Balancing all these interests is difficult, and may not satisfy all parties; staff believes the revised code creates a positive balance that responds to business concerns.

In addition, Planning and Economic Development staffs will work together to provide businesses with a clear and understandable list of the sign options available to them. Information will be disseminated through hand-outs and mailings to businesses, workshops, and material posted on the City's website.

Reviewed by:

Hanson Hom, Director, Community Development
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Andrew Miner, Principal Planner

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Study Issue paper
- B. Draft ordinance
- C. List of changes as part of the code
- D. Other cities comparison
- E. Public outreach efforts and responses
- F. Recommended Night-time Brightness Levels for On-premise EMCs

**CDD 11-07 Amend Sign Code to Address Business Identification
 (Comprehensive Sign Code Revisions)**

Lead Department Community Development

History 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

There are shopping centers in the City for which some tenant spaces are not readily visible from the street due to building configuration and distance from the street. These tenant spaces are allowed a tenant sign on their wall, but these signs are not always easily seen from the street, and ground sign options may be limited by the number allowed by code, or by landlord decisions. As a result, some tenants feel they do not have the exposure they need for their business.

A few years ago, the sign code was amended to allow more sign opportunities on ground signs, including allowing an additional sign and/or center name. Not all tenants of larger centers can have their name on ground signs, and the sign code is intended that the center name is the identifier in order to help locate a business within a multi-tenant center. This option will not work, however, if a business relies on the business wall sign to draw people into the space.

The intent of the Council in sponsoring this study is to determine how the sign code could be amended to allow businesses with low visibility from the street to use signage to gain visibility. The study is intended to define situations where limited visibility exists, what type of businesses fall into this category, and what options there may be to address these issues and provide alternatives.

In reviewing recent study issues, at least four study issues regarding signs have been completed in the past few years, and several more considered. Many small and large changes to the sign code of several years has resulted in a code that is less cohesive because of the piecemeal changes. It is difficult to make small changes to the code without creating inconsistencies or less-clear guidelines.

As a result, staff recommends taking this opportunity to do a comprehensive sign code revision as a part of this study. Although this seems like a relatively small issue, the possible fixes would impact the entire city. A comprehensive sign code update would: 1) provide good public outreach to the entire community, including businesses and residents, 2) update all aspects of the code, including permanent and temporary signs, 3) ensure consistency throughout the code, 4) addresses a wide range of issues to minimize future sign code changes, and 5) creates clearer and more streamlined code.

2. How does this relate to the General Plan or existing City Policy?

COMMUNITY DESIGN SUB-ELEMENT

GOAL B: CREATE AN ATTRACTIVE STREET ENVIRONMENT WHICH WILL COMPLEMENT PRIVATE AND PUBLIC PROPERTIES AND BE COMFORTABLE FOR RESIDENTS AND VISITORS.

Policy B.3 Minimize elements which clutter the roadway and look unattractive

Action Statement B.3e. Maintain a sign ordinance to assure that signage is attractive, compatible with the district and not distracting to motorists.

3. Origin of issue

Council Member(s) Griffith, Moylan, Spitaleri, Whittum

4. Staff effort required to conduct study Major

5. Multiple Year Project? Yes **Planned Completion Year** 2012

6. Expected participation involved in the study issue process?

Does Council need to approve a work plan? Yes
Does this issue require review by a Board/Commission? Yes
If so, which? Planning Commission
Is a Council Study Session anticipated? Yes

7. Briefly explain cost of study, including consultant hours, impacted budget program, required budget modifications, etc. and amounts if known.

A comprehensive revision of the sign code is likely to take up to 18 months to complete, which will require significant staff time and outreach, but no consultant hours are expected to complete the study. If Council chooses to only study ways to address signs that are less visible from the street, the staff effort to conduct the study would be estimated to be "moderate."

8. Briefly explain potential fiscal impact of implementing study results (consider capital and operating costs, as well as potential revenue).

9. Staff Recommendation

Staff Recommendation For Study

If 'For Study' or 'Against Study', explain

The issue of business identification in larger multi-tenant shopping centers is a difficult one to answer. It is not always possible for all tenants to have business identification on ground signs, and some centers are built in a way that prohibits all tenant spaces from having visibility to the street. Possible solutions include reviewing the temporary and permanent sign code requirements, which would be extensive.

Staff is concerned that there have been many sign code revisions in the past few years, which have caused the sign code to be changed in a piecemeal fashion, which can be difficult to administer. Given the interest nearly every year in reviewing aspects of the sign code, staff recommends expanding this study issue to include a comprehensive sign code revision. Although the effort to rewrite the sign code is substantial, it would ensure the specific issue of low visibility for businesses is considered in the larger, city-wide context. It would also ensure that fewer changes to the sign code are made in the future, which reduces the number of non-conformities that can result from numerous revisions to a code. A comprehensive revision would result in a code that is consistent and easy for all parties to understand.

Reviewed by



Department Director

1/10/11

Date

Approved by



City Manager

1/12/11

Date

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 19.42.010 (OPERATION OF HOME OCCUPATIONS) OF TITLE 19 (ZONING); REPEALING CHAPTER 19.44 (SIGNS); AND ADDING CHAPTER 19.44 (REGULATORY SIGN CODE) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.42.010 AMENDED. Section 19.42.010 (Operation of Home Occupations) of Title 19 (Zoning) is hereby amended as follows:

19.42.010. Operation of Home Occupations.

Home occupations may be conducted in any zoning district with a business license, provided the director of community development has determined that the proposed use shall comply with the following restrictions:

(a)-(e) [Text unchanged]

(f) ~~No display window or signage shall be permitted on site;~~ Signage shall comply with the provisions of Section 19.44.040 of this code pertaining to residential name plates;

(g)-(n) [Text unchanged]

SECTION 2. CHAPTER 19.44 REPLACED. Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby deleted and replaced in its entirety to read as set forth in Exhibit "A" (Chapter 19.44 (Regulatory Sign Code)) attached and incorporated by reference.

SECTION 3. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

SEAL

APPROVED AS TO FORM:

City Attorney

CHAPTER 19.44.

SIGN CODE

- 19.44.010 Title**
- 19.44.020 Purpose**
- 19.44.030 Scope, Authority and Basic Principles**
- 19.44.040 Definitions**
- 19.44.050 Signs Exempt from Permitting**
- 19.44.060 Prohibited Signs**
- 19.44.070 Sign Permit Required**
- 19.44.080 Building Permit Required in Certain Instances**
- 19.44.090 Changes to Permitted Signs; Requirement for Amended or New Permit**
- 19.44.100 Application, Fee, and Accompanying Material**
- 19.44.110 Application review, timeframes**
- 19.44.120 Processing of applications**
- 19.44.130 Revocation or Cancellation**
- 19.44.140 Appeals, Judicial Review**
- 19.44.150 General Sign Requirements**
- 19.44.160 Permanent Signs in Non-Residential Zoning Districts**
- 19.44.170 Permanent Signs in Residential Zoning Districts**
- 19.44.180 Temporary Signs – Non-Residential Zoning Districts**
- 19.44.190 Temporary Signs – Residential Zoning Districts**
- 19.44.200 Electronic Message Center (EMC) Restrictions**
- 19.44.210 Automobile Sales Decorative Banner Program**
- 19.44.220 Master Sign Programs**
- 19.44.230 Exceptions to Sign Standards**
- 19.44.240 Nonconforming Signs**
- 19.44.250 Construction and Maintenance**

19.44.010 Title.

This chapter may be known as the Sign Code of the City of Sunnyvale, California.

19.44.020 Purpose.

The purpose of this chapter is to establish a comprehensive and balanced system of sign regulation that will facilitate communication by sign and simultaneously serve public interests, including but not limited to the following:

- (a) Free Speech. To accommodate and encourage the right of free speech by sign display, while balancing this right against other public interests.
- (b) Public Health and Welfare. To serve the public health, safety, and welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signs.
- (c) General Plan. To implement the sign-related goals, purposes and strategies of the city's General Plan.
- (d) Regulation System. To establish a comprehensive and reasonable system for regulating signs integrated within the zoning code.
- (e) Notice. To provide public notice of rights and responsibilities related to sign display.
- (f) Equal Rights. To ensure that similarly situated persons have equal rights and

responsibilities regarding sign display.

- (g) **Community Aesthetics.** To serve the aesthetic interests of the city by minimizing visual clutter that can be caused by excessive signs.
- (h) **Visibility.** To relate sign area and height to viewing distance and optical characteristics of the eye.
- (i) **Safety.** To reduce safety hazards to drivers and pedestrians by minimizing the view obstruction, distraction, and confusion that can result from inappropriate or improperly placed signs.
- (j) **Structural Integrity.** To minimize safety risks by ensuring structural integrity and proper maintenance of signs.
- (k) **Residential Tranquility.** To protect the peaceful, quiet, residential nature of neighborhoods from intrusion or degradation by excessive commercial signage.
- (l) **Compatibility.** To ensure that sign structures are physically compatible with the surrounding area.
- (m) **Property Values.** To protect and enhance property values by minimizing signs that contribute to the visual clutter of the streetscape, such as oversized signs and excessive temporary signage.
- (n) **Economic Value.** To enhance the economic value of the city and each area therein by setting reasonable rules regarding sign size, location, design and illumination.
- (o) **Information.** To serve the public convenience by providing for directional and functional information on signs.

19.44.030 Scope, Authority and Basic Principles.

- (a) **Authority:** This chapter is enacted pursuant to the city's charter, as well as its general and police powers, California Constitution Article XI, Section 7; California Government Code Sections 65000 *et seq.*, 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 *et seq.*, 5230, 5490 *et seq.*, 13530 *et seq.* and 13540; Penal Code Section 556 *et seq.*; and other applicable state laws.
- (b) **Message Neutrality Policy.** It is the policy of the city to regulate signs in a manner that does not favor commercial speech over noncommercial speech, and does not regulate protected noncommercial speech by message content.
- (c) **Message Substitution Policy.** Subject to the private property owner's consent, a constitutionally protected noncommercial message of any category or content may be substituted, in whole or in part, for any allowed commercial message or any other protected noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any favoring of commercial speech over non-commercial speech, or favoring of any particular protected noncommercial message over any other protected noncommercial message. Message substitution is a continuing right which may be exercised any number of times. The substitution right applies to the sign owner and to any other message sponsor displaying any image on the sign with the owner's consent. The message substitution right does not: 1) create a right to increase the total amount of sign display area on a site or parcel; 2) create a right to substitute an off-site commercial message in place of an onsite commercial message or in place of a noncommercial message; 3) affect the requirement that a sign structure or mounting device must be properly permitted; 4) authorize changing the physical method of image presentation (such as digital or neon) display without a permit; or 5) authorize a physical change to the sign structure without compliance with applicable building codes, safety codes, and neutrally-applicable rules for sign size, height, orientation, setback, separation or illumination.

- (d) **Enforcement Authority.** The director is authorized and directed to administer and enforce this chapter.
- (e) **Administrative Interpretation.** Interpretations of this chapter are to be made initially by the director in consultation with the city attorney. The director may refer an interpretation question to the planning commission. All interpretations of this chapter are to be exercised in light of the message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a “structure” as defined in the building code, as adopted by the city, then the planning commission or director, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this chapter, in light of the policies stated in this chapter.
- (f) **Responsibility for Compliance.** The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the permit holder, all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control.
- (g) **Onsite-Offsite Distinction.** Within this chapter, the distinction between onsite signs and offsite signs applies only to commercial messages. It does not apply to non-commercial messages.

19.44.040 Definitions.

- (1) **Automobile retail establishment.** An establishment whose primary use of a building or property is for outdoor and indoor display and sale of new or used automobiles, trucks, vans, motorcycles, trailers or recreational vehicles. The term does not include establishments for which the sale of vehicles is an incidental use, such as rental car agencies.
- (2) **Audible signs.** Signs which emit sounds.
- (3) **Billboard.** A permanent sign structure in a fixed location which meets any one or more of the following criteria: (1) it is used for the display of off-site commercial messages; (2) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, *i.e.*, general advertising for hire; (3) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.
- (4) **Building wrap sign (also known as supergraphic).** A large-format vinyl or mesh sign that is affixed or adhered to a building façade and extends across one or more floors of a multi-story building
- (5) **Commercial and Office Districts.** Commercial and office zoning districts are C-1, C-2, C-3, C-4 and O, and DSP Blocks 1, 2, 3 and 20.
- (6) **Commercial mascot.** A person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes “sign twirlers,” “sign clowns,” “sign spinners,” “sign twirlers” and “human sandwich board” signs. Also known as “living signs” and “human signs.” “Scarecrow” like devices, which simulate living persons or animals, are also within this definition.
- (7) **Commercial message.** An image or message on a sign which primarily concerns the commercial or economic interests of the sign sponsor or intended audience, or which proposes a commercial transaction.
- (8) **Construction site sign.** A sign that is displayed on the site of a construction project during the period of time of actual construction.

- (9) **Copy, also called Sign copy.** Any letters, numerals, or symbols displayed on a sign face to convey a message to the public; the elements of a visual image which are intended to be communicative.
- (10) **Copy height.** The height of the tallest number or letter on a sign. For wall signs mounted on multiple-tenant buildings and not consisting of individual letters, the copy height is the height of the sign face. Logos are not included in calculations of copy height.
- (11) **Decorative banner.** A non-permanent sign, made of durable fabric, fastened from the top and bottom to a pole or similar structure on private property located within thirty feet of the property line adjacent to a public street.
- (12) **Digital display.** “Digital display” means display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image, either in a “slide show” manner (series of still images), or full motion animation, or any combination of them.
- (13) **Director.** Director of Community Development or designee.
- (14) **Display area or display face.** That portion of the sign structure which is available or usable for display of the copy. Also known as “copy area.”
- (15) **Electronic Message Center, also called EMC or Message Center.** A sign using digital display and capable of remote changes of image. An electronic sign designed for periodically changing messages. EMC’s (also known as programmable electronic, electronic readerboards, LED, commercial electronic variable message signs, or digital signs) are those with message elements or sign copy that may be readily changed.
- (16) **Establishment.** Any legal use of land, other than residential, which may involve the use of structures subject to the building code. Examples include a business, private school, place of assembly, or office.
- (17) **Face change.** Any change to the letter style, size, color, background, or message that requires the manufacturing of a new or modified sign face.
- (18) **Fin sign.** A type of wall sign that is perpendicular to a building wall or part of a building and has lettering on both sides. Also known as a projecting or blade sign.
- (19) **Flag.** A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol.
- (20) **Garage sale sign.** A sign whose message concerns short-term rummage, estate, boutique or garage sales of used or handmade common household items from a residential property.
- (21) **Gas Station pump island.** The area of a gas station in which the fuel pump islands are located.
- (22) **General advertising.** (also known as “general advertising for hire”). The enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising.
- (23) **Government sign.** Signs installed by government or public utilities, including school districts.
- (24) **Ground sign.** Any sign which is self-supporting in a fixed location and not attached to a building.
- (25) **Ground sign sleeve.** A temporary sign made of durable fabric or material that is stretched taut around the ground sign used while the permanent ground sign is being renovated or refaced.
- (26) **Industrial Districts.** Industrial districts are M-S, M-3 and the Moffett Park Districts.
- (27) **Information sign.** A sign that displays functional information, such as open and close times, credit cards honored, locations of restrooms, etc., but which is not displayed for purposes of commercial advertising or debate on topics of public concern.

- (28) **Large inflatable object.** An object that is used for attention-getting or advertising purposes, inflated with air that exceeds 14 inches in any dimension.
- (29) **Logo.** A distinctive graphic symbol identifying a use, product or company. Logos may include lettering.
- (30) **Master Sign Program.** A tool to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.
- (31) **Moving signs.** Any sign that rotates, changes, or has other visible mechanical movement, not including electronic message centers.
- (32) **Non-commercial message.** A constitutionally protected message that addresses topics of public concern, debate or controversy such as, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary.
- (33) **Onsite sign.** A sign that is located on the same premises as the establishment advertised on the sign.
- (34) **Permanent sign.** A sign which by its physical nature is designed for and suitable for display longer than 90 days; the term includes all signs which qualify as a "structure" in the building code.
- (35) **Portable sign.** Any sign not attached to the ground or to a building, such as "A-frame" or "sandwich board" signs as well as any sign that is easily moved.
- (36) **Pre-Election Period.** That period of time which begins 90 days before, and ends 10 days after any primary, general or special election in which voters in Sunnyvale may vote.
- (37) **Readerboard sign.** A sign that allows for the message to be changed by manual means, such as channel lettering or adhesive lettering.
- (38) **Real Estate sign.** A sign whose message concerns a proposed transaction, such as sale, lease, or exchange, of real property. Signs on establishments offering transient occupancy, such as hotels, motels, inns and bed and breakfast places, indicating name, vacancies, rates and policies, are not within this definition. All signs described in California Civil Code 713 are within this definition.
- (39) **Regional retail.** Any property zoned C-2/ECR or in DSP Block 1a, 18 or 22.
- (40) **Residential Districts.** Residential districts are R-0, R-1, R-1.5, R-1.7/PD, R-2, R-3, R-4, R-5, R-MH and DSP blocks 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 9, 9a, 10, 11, 12, 13, 14, 15, 16, and 17.
- (41) **Residential name plate.** A sign used to identify a residential person, family, or a home-based business (home occupation).
- (42) **Sign.** Any structure, object, visual device or advertising artwork used for the purpose of communicating a message or identifying or attracting attention to a premises, product, service, person, organization, business or event. The above definition does not include the following:
- A. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for not more than 45 calendar days per event and per site and which do not include commercial messages;
 - B. Inflatable gymnasiums associated with legal residential uses – inflatable, temporary, moveable, gymnasium devices commonly used for children's birthday parties, and similar devices (also called "party jumps" or "bounce houses");
 - C. Interior graphics – visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof;
 - D. Manufacturers' marks – marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;
 - E. Symbols embedded in architecture – symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal; by way of example

and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary.

(43) **Sign face.** That portion of a sign containing sign copy, which constitutes a single plane, which is intended to be visible from a single vantage point.

(44) **Temporary sign.** A non-permanent sign such as a banner, portable sign, balloon, inflatable object or ground sign that is constructed of lightweight or flimsy materials, which is easily installed and removed using ordinary handtools and which is not intended for permanent or long-term use. Any sign that qualifies as a “structure” under the building code is not a temporary sign.

(45) **Tenant frontage.** The width of a tenant space, measured in lineal feet on a building elevation, occupied by the use to be identified. Tenant frontage includes the wall with the primary entrance as well as the wall directly facing a public street. See Figure 19.44.040 (Tenant Frontage) for further demonstration.

(46) **Traffic signs.** Signs whose principal function is to advise drivers and pedestrians of traffic rules (such as Stop signs or Speed Limit signs) or provide directional information.

(47) **Wall sign.** A permanent sign that is attached to the exterior of a wall, including fin signs, awnings or canopies. Under-canopy signs are not within this definition.

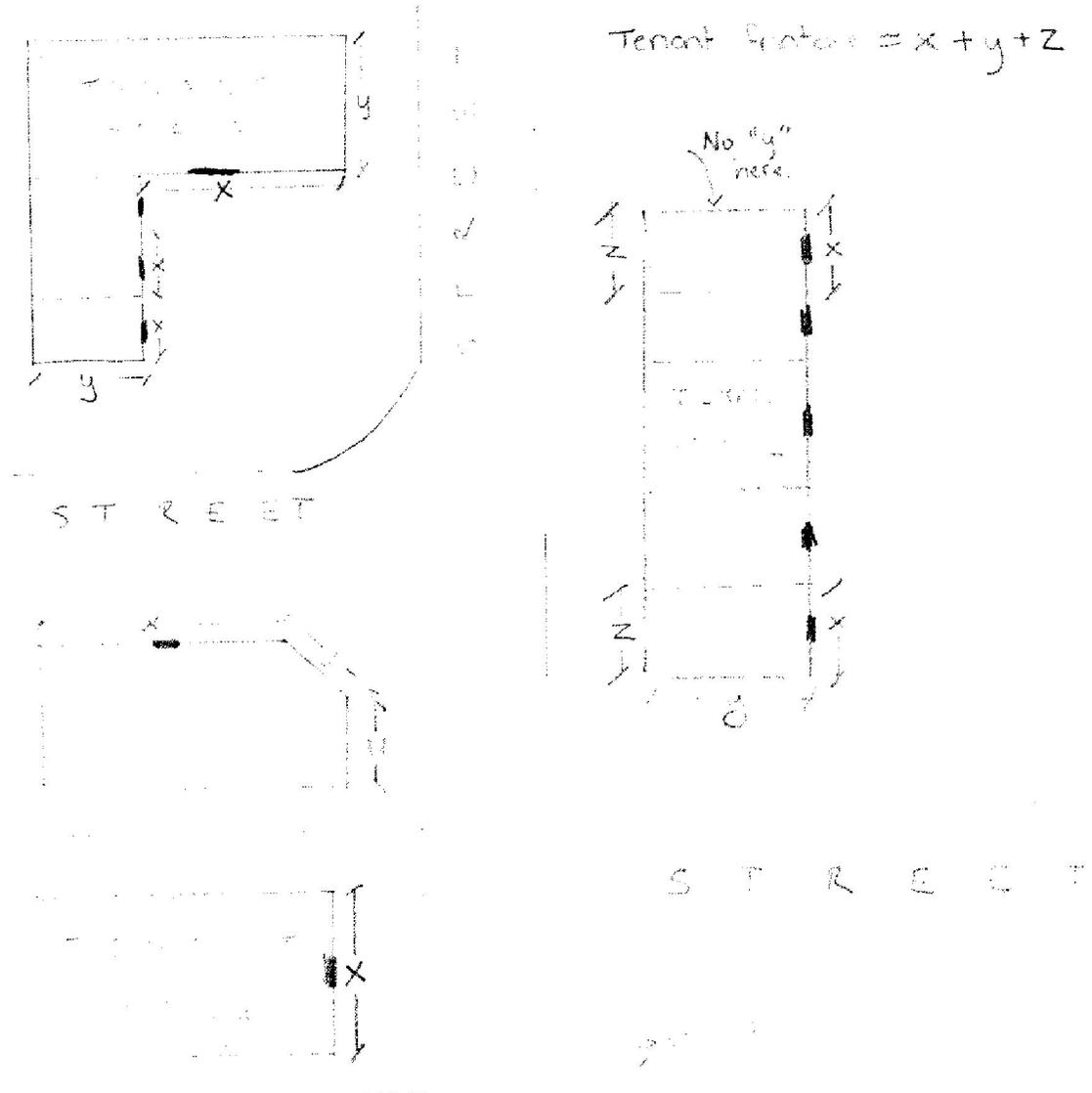
(48) **Warning sign.** A sign that warns of danger, such as “no trespassing” or “beware of dog” or “danger high voltage.”

(49) **Window sign.** A visually communicative image that is applied or attached to the interior of a window, or painted on or attached to the exterior or interior of a window.

(50) **Wind Activated sign.** A sign with physical motion that is activated by wind or forced air.

(51) **Under-canopy signs.** A sign suspended below a fascia, canopy or awning in a manner that is perpendicular to the building and oriented to pedestrians.

Figure 19.44.040 Tenant Frontage – PLACEHOLDER



19.44.050 Signs Exempt from Permitting.

The following signs are allowed without a sign permit and do not count toward the otherwise applicable limit on sign display area or size, so long as they meet the stated requirements:

- (a) **Address numbers on a building.**
- (b) **Government signs.**
- (c) **Warning signs.**
- (d) **Real Estate Signs on Private Property.** A lease, sale or construction sign that consists of a banner or a temporary ground sign, and meets all of the following criteria:
 - (1) One sign per street frontage;
 - (2) A ground sign shall not exceed 40 sq. ft. per sign face, with 80 sq. ft. total;
 - (3) The maximum ground sign height is 10 feet;
 - (4) Any banner shall be limited to 60 sq. ft. and must be stretched taut and secured against the building, fence or wall and not attached to landscaping; and
 - (5) Sign must be removed within 10 days after the property is no longer for lease or sale or within 60 days after the issuance of certificate of occupancy of the last building within a development.
- (e) **Residential Open House Signs.** An open house directional sign may be placed on private property or the public right of way without a permit provided that sign is not placed on a traffic median, sidewalk, bicycle lane or other travel way or path. The sign is limited to 3.5 feet in height and 4 square feet in area. The sign may only be displayed between the hours of 9 a.m. and 7 p.m. on the same day of the open house.
- (f) **Directory Signs for Multifamily Uses.** Directory signs within a multifamily residential use are not counted toward allowable sign area and may be installed without a permit providing the following requirements are met; namely, that the sign:
 - (1) Is oriented to on-site vehicles and pedestrians;
 - (2) Does not exceed 20 square feet in area per sign face;
 - (3) Does not exceed 5 feet in height;
 - (4) Is set back a minimum of 20 feet from the public right-of-way.
- (g) **Information signs.** Information signs shall not exceed 16 sq. ft. sign area.
- (h) **Residential name plate.** Each separate residential dwelling unit, whether in attached multi-family, detached single family, town home, condominium, or apartment, is allowed a residential name plate placed at the home entrance or along the front wall of a residential use, limited to 2 square feet in area.

19.44.060 Prohibited signs.

The following signs are prohibited in all zoning districts:

- (a) **Moving signs.**
- (b) **Commercial mascots.**
- (c) **Wind activated signs.**
- (d) **Audible Signs,** not including signs at establishments offering drive-up or walk-up service.
- (e) **Billboards.**

19.44.070 Sign Permit Required.

Unless exempted from the permit requirement, all signs regulated by this chapter may be installed, maintained, erected, or displayed only pursuant to a sign permit issued pursuant to chapter, using the design criteria identified in this chapter and other applicable regulations. The sign owner and message sponsor and the property owner must satisfy all other applicable permit

and planning approval requirements, even if the sign is exempt from the city's permit requirement.

19.44.080 Building Permit Required in certain instances.

A building permit is required for all freestanding signs and flag poles qualifying as structures under the building code and any signs permanently mounted or fastened to a building and any sign that requires an electrical connection for illumination.

19.44.090 Changes to permitted signs; requirement for amended or new permit.

A sign initially approved and for which a permit is issued shall not thereafter be modified, altered or replaced, nor shall any design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if the physical design elements constituted a basis for the sign approval, without an amended or new permit first being obtained pursuant to this chapter. If the original permit did not contain physical design elements, and only the copy or graphic design on the display face is changed, a new or amended permit is not required. If the physical structure of a permitted sign is changed, whether by repair, alteration, expansion, change in electrical supply, change in physical method of image presentation, change in dimension or weight, or similar factors, then a new permit or amendment to the existing permit is required.

19.44.100 Application, fee, and accompanying material.

An application for a sign permit shall be made in writing on a form prescribed by the director and shall be accompanied by the required fee, in an amount established by city council resolution from time to time. The applicant shall submit plans, drawings and other supporting data as determined necessary by the director. The director shall prepare a sign permit application form and provide it to any person on request, along with such other materials and information as applicants need to submit for a permit. The same form may be used for both the application and the decision thereon. A single form may be used for multiple signs on the same site; however, the director may make separate decisions as to each sign

19.44.110 Application review, timeframes.

(a) All sign permit applications shall be initially reviewed by the director as a ministerial matter. Whenever any sign permit, variance, conditional use permit, specific plan, site development plan, planned development approval, master sign program or other sign-related decision is made by any exercise of official discretion, such discretion shall be exercised only as to location, structural, and safety factors, and not as to message content. The director may refer signs or Master Sign Programs to the planning commission for review and approval.

(b) Conditional Approval. A sign permit application may be approved subject to conditions, so long as the purpose of the conditions is to satisfy requirements of this chapter or some other applicable law, rule or regulation or policy.

(c) Inspections. All signs subject to a building permit require final inspection and approval by the Building Division.

(d) Permit Denials. All sign permit denials shall be in writing, state the grounds for denial, and be sent or delivered to the address shown on the application.

(e) Time Limits. Signs subject to approval at the staff level shall be reviewed and acted upon within thirty calendar days. For projects requiring planning commission or city council review, the application will be scheduled for the next available agenda that provides adequate time for report preparation and noticing, but in any event within 60 calendar days. The time period for decision begins running when the application is deemed complete. The timely decision

requirement may be waived by the applicant. If a written decision is not rendered within the required time, then the application shall be deemed denied.

19.44.120 Processing of Applications.

(a) **Completeness.** The director shall determine if the application contains all the required information. If the application is not complete, the applicant shall be so notified in person or in writing initially within 30 calendar days of the date of receipt of the application; the notice shall state the points of incompleteness and identify any additional information necessary. The applicant shall then have one opportunity, within 30 calendar days, to submit additional information to render the application complete; failure to do so within the 30-calendar day period shall render the application void.

(b) **Disqualification.** No sign permit application will be approved under any of the following circumstances:

(1) **Uncured Violation of Sign Rules:** No sign permit will be approved if the applicant has installed a sign in violation of the provisions of this chapter and, at the time of submission of the application, each illegal sign has not been legalized, removed or a cure included in the application.

(2) **Other Code Violations:** No sign permit will be approved if there is any other existing zoning code violation(s) located on the site of the proposed sign(s) (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different business location on the site from that for which the approval is sought) which has not been cured at the time of the application, unless the noncompliance is proposed to be cured as part of the proposed new sign.

(3) **Previous Denial:** No sign permit will be approved if the sign approval application is substantially the same as an application previously denied, unless either 12 months have elapsed since the date of the last application, or the applicant provides new evidence or proof of materially changed conditions, or the reasons for the earlier denial have been cured or will be cured as part of the new application.

(4) **Failure to Obtain Zoning Permits:** No sign permit will be approved if the applicant has not obtained any other applicable required zoning permits.

(5) **Outstanding Unpaid Balance:** No sign permit will be approved if the applicant has an outstanding unpaid balance for prior community development department services.

(c) **Applications for Multiple Signs.** When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When a multiple sign application is denied in whole or in part, the Director's written notice of determination shall specify the grounds for such denial.

19.44.130 Revocation or Cancellation.

(a) The director may revoke any approval or permit upon refusal or failure of the permittee to comply with the provisions of the permit and the requirements of this chapter after written notice of noncompliance and at least fifteen (15) calendar days opportunity to cure. The notice and opportunity to cure does not apply when a sign, by virtue of its physical condition, constitutes an immediate and significant threat to public safety.

(b) **Permits Issued in Error.** Any approval or permit issued in error may be summarily revoked by the city upon written notice, to the permittee, stating the reason for the revocation. "Issued in error" means that the permit should not have been issued in the first place, and includes, but is not limited to, material misrepresentations or omissions in the application materials, and oversights or errors in the processing thereof.

19.44.140 Appeals, Judicial Review.

- (a) Any action of the director regarding signs may be appealed pursuant to the procedures contained in section 19.98.070(c) (Appeal of All Other Permits and Actions).
- (b) Status Quo. During the pendency of review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical condition, constitutes an immediate and significant threat to public safety.
- (c) Judicial Review. Following final decision by the planning commission, any affected person may seek judicial review of the final decision on a sign permit application pursuant to the applicable provisions of the California Code of Civil Procedure. Judicial review must be filed with the time limits specified by the applicable provisions of California law.

19.44.150 General Sign Requirements.

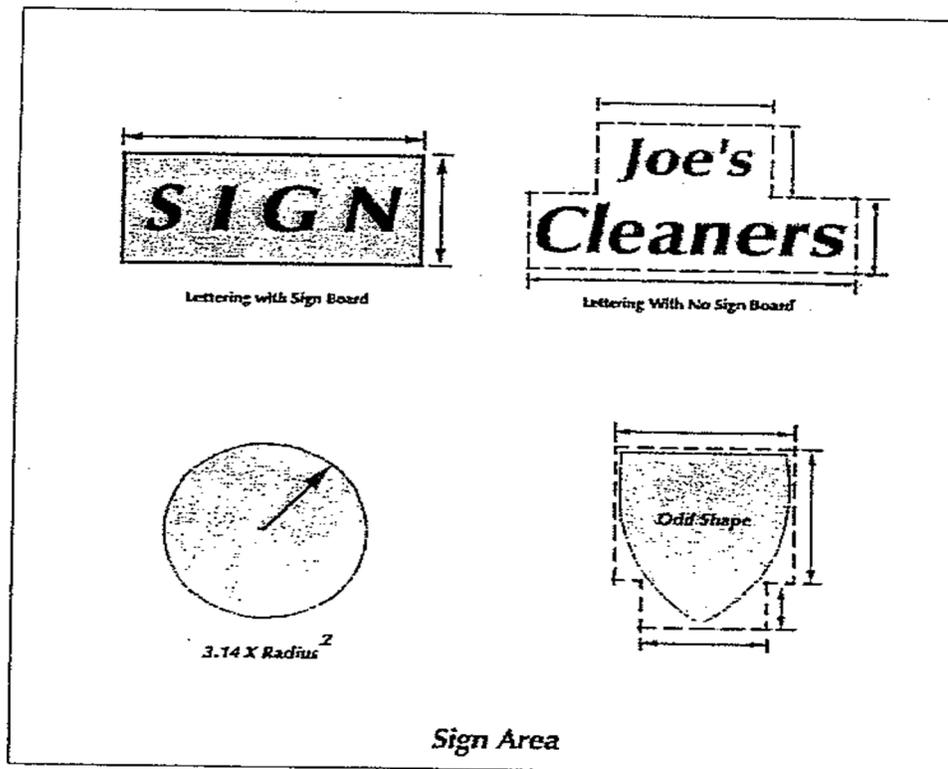
The following requirements apply to all signs. Adjustments to specific requirements may be granted in accordance with Section 19.44.230 (Exceptions to Sign Standards).

- (a) **Number of Signs.** In addition to signs exempt from the permit requirement, the number and size of permanent and temporary signs allowed are described in Sections 19.44.160 (Permanent Signs in Non-Residential Zoning Districts) and Section 19.44.170 (Permanent Signs in Residential Zoning Districts). When both residential and non-residential uses are allowed, then the residential portion of the development is subject to the requirements for residential uses, and the non-residential portion is subject to the requirements for the most restrictive abutting nonresidential zoning district.
- (b) **Location.** All signs are subject to the following location requirements. In addition to the general requirements listed below, details about allowable locations for individual permanent or temporary signs are described in their respective sections.
 - (1) **On-Site.** All signs used to display commercial messages must identify or advertise an on-site establishment. Billboards and all other signs advertising off-site commercial messages are prohibited. Commercial establishments with no street frontage may request approval of a sign on immediately adjacent property (with the property owner's permission) near the driveway leading to the establishment, which shall be reviewed in accordance with section 19.44.230. Such a sign shall be considered on-site for purposes of this section. Within this chapter, the distinction between on-site signs and off-site signs applies only to commercial messages.
 - (2) **No Encroachment.** Signs must be placed on private property and must not overhang the public right-of-way or sidewalk, except with an encroachment permit. Signs on heritage landmark properties may cross a property line with approval of a landmark alteration permit.
 - (3) **Clearance from Sidewalk and Property Line.** The minimum clearance between the lowest point of a ground sign and fin sign and the grade immediately below must be 8 feet minimum for pedestrian areas and 15 feet for vehicular clearance. The minimum horizontal clearance between any part of the sign structure and the property line shall be 1 foot.
 - (4) **Safety.** All signs must meet the following requirements:
 - A. All signs must meet vision triangle requirements in Section 19.34.060 (Vision Triangles).
 - B. All signs must be meet the following setbacks from fire hydrants and fire hose connections:
 - i. Front and side setbacks: 15 feet.
 - ii. Side setback: 3 feet.
 - C. Any sign that presents a substantial risk to public safety by virtue of its physical condition is subject to an order to repair, remediate, or remove. In the case of a sign that

presents imminent danger to public safety may be summarily removed by the City. The actual cost of removal may be recovered by the City, provided that the sign owner is given opportunity to challenge whether the removal was necessary and the amount of the cost recovery.

(c) **Sign Area.** Sign area is the nearest of any two of rectangle, circle or triangle shapes that enclose all the visually communicative sign elements, including the logo, but not counting non-communicative aspects of the support structure, see Figure 19.44.150 (Sign Area).

Figure 19.44.150 Sign Area.



(d) **Logos.** Logos may be detached from other sign copy and are not be included in calculations of copy height.

(e) **Sign Type Requirements.**

(1) **Wall Signs.**

A. **Area.** Wall sign allowances may be split into separate signs on the building, provided the minimum and maximum copy height are met and the total amount of signage on the building does not exceed the total allowed. Wall sign area is limited to a minimum of 25 square feet regardless of building frontage.

B. **Fin Signs.** Fin signs must not project more than 4 feet from the face of the building and must meet minimum clearance as specified in 19.44.150(b)(3) (Clearance from Sidewalk and Property Line).

C. **Location.** Wall signs may be placed on any face of the building, except wall signs on side or rear elevations within 150 feet from any residential zoning district may be illuminated only from 7:00 a.m. to 10:00 pm. Wall signs may also be located on the side of a building perpendicular to the street. Wall signs must be located on the same story as the primary entrance, except multi-story wall signs shall be placed only on the top floor. In no case may the sign extend above the top of a roof structure or be mounted on a roof equipment screen or penthouse.

(2) **Under-Canopy Signs.** Where allowed, under-canopy signs must meet the requirements of 19.44.150(b)(3) (Clearance from Sidewalk and Property Line).

(3) **Ground Signs.**

A. **Shape and Location.** Ground signs must be set back at least 1 foot from the public right of way and any property line. Ground signs are limited to two display faces. Signs in the shape of a “v” or “x” are prohibited.

B. **Address Numbers.** All new ground signs must have address numbers of a minimum of 6 inches and maximum of 2 feet in height. Address numbers on a ground sign must be located between 4 to 15 feet from the ground.

(4) **Flags.** A flag with a commercial image is permitted only in commercial and industrial zoning districts or in conjunction with a multifamily residential use.

A. **Commercial and Industrial Zoning Districts.** In commercial and industrial zoning districts, up to three commercial flags are allowed per property with a maximum cumulative area of all flags not to exceed 60 square feet and a maximum height of 30 feet in height, as measured from the ground level and including the pole. Maximum lateral dimension of the flag is 25 percent of the total height of the pole or structure.

B. **Multifamily Uses.** For multifamily uses, up to four flags with commercial images are allowed. The maximum flag size is 15 square feet and the maximum height is 20 feet, as measured from the ground and including the pole. Maximum lateral dimension is 25 percent of the total height of the pole or structure.

(f) **Materials.** All signs must be constructed of wood, rigid plastic and metal or other permanent material, with the exception of flags, banners, pennants, balloons and large inflatable objects.

(g) **Citywide Sign Design Guidelines.** The Sign Design Guidelines apply to all new and rebuilt signs in the City. They are intended to address the common sign design issues that are likely to affect the visual quality of the City, but they do not apply to the sign copy or message.

(h) **Master Sign Programs.** Master Sign Programs are required for properties with 6 or more establishments in accordance with Section 19.44.220 (Master Sign Programs).

(i) **Illumination.** Signs may be illuminated with continuous lighting, and can include neon tube lighting, external and internal lighting. No sign shall be illuminated so that the primary source of the light is visible beyond the property line or in any way will cause excessive glare or brightness. The city reserves the right to require and/or complete a post-installation inspection of the sign illumination. If, as a result of this inspection, it is determined that the illumination is so bright as to adversely impact adjacent properties and uses, the city may require shielding or a reduction and/or adjustment in the intensity of the sign illumination, so that it is in keeping with the general level of illumination on surrounding properties. Such intensity restriction may vary by time of day and ambient light conditions. Illuminated signs located adjacent to any residential area shall be shielded to direct light downward and away from adjacent properties such that there is no spillover light and shall be controlled by a rheostat or functional equivalent to avoid excessive glare to residential properties.

19.44.160 Permanent Signs in Non-Residential Zoning Districts.

(a) **Standards.** All signs in non-residential districts are subject to the standards in this section, except that residential uses in non-residential zoning districts must comply with standards for signs in residential zoning districts.

(1) Table 19.44.160(a) applies to properties in the commercial and office zoning districts, except as listed in (2) below.

(2) Table 19.44.160(b) applies to properties in regional retail and industrial zoning districts.

(b) **Permit Required.** A Sign Permit is required for installation, replacement, or a face change of the signs listed in Tables 19.44.160(a) and (b). Signs conforming to a previously approved Master Sign Program do not require a separate planning permit. Multi-tenant properties with six or more establishments must obtain a Master Sign Program permit.

(c) **Specialized Sign Requirements.**

(1) **Electronic Message Centers.** Electronic message centers may be substituted for a wall sign or a ground sign in the C-2/ECR Zoning District and in Block 18 of the Downtown Specific Plan. See Section 19.44.200 (Electronic Message Centers) for requirements. In all other locations, Electronic Message Centers are prohibited.

(2) **Freeway Adjacent Establishments.** Establishments that provide food, lodging and/or fuel to freeway users are permitted to display signage subject to the rules in this subsection. The establishment must be located adjacent to qualifying freeway, freeway frontage road or freeway overpass. Qualifying roads are U.S. Highway 101 and State Highways 85 and 237 only. The following requirements apply to height and area of the display face; all other copy height and other restrictions apply:

A. **Location.** Signs must be located along freeway, frontage road or freeway off-ramp frontage parallel to the freeway.

B. **Ground Signs.** Freeway establishments are allowed ground signs of up to 30 feet in height and up to 100 sq. ft. per sign face, or 200 sq. ft. for both sides.

C. **Wall Signs.** Wall signs on the tenant frontage parallel to the freeway are allowed an additional 150 square feet beyond the standard wall sign area allowance.

(3) **Gas Station Signs.** The following sign types are permitted for gas stations, subject to the applicable requirements:

A. **Wall or canopy mounted gas station signs.** All wall or canopy signs shall be counted towards maximum wall signage.

B. **Fuel price signs.** Fuel price signs, as required by state law, Business and Professions Code 13532 et seq., shall be limited in size to the minimum necessary to satisfy state law and is not counted toward allowable sign area.

C. **Pump Island Signs.**

Messages on pumps and pump islands do not count toward total allowable sign area, but may not be used for general advertising for hire, and each sign area is limited to 4 square feet.

(4) **Readerboard Signs.** Readerboard signs are allowed only in conjunction with places of assembly and theater uses.

Table 19.44.160(a)
Sign Requirements for Commercial, Office and Public-Facility Zoning Districts.

Type	Number	Maximum Area	Copy Height	Sign Height	Special Requirements
Wall	No limit	0.66 sq. ft. of sign for every one lineal foot of building frontage. 200 sq. ft. maximum sign area.	6 in. minimum 48 in. maximum	Cannot extend above the top of the building.	Multiple wall signs cannot exceed maximum wall sign area. Fin signs are calculated towards overall wall sign area
Ground	One per street frontage, two if lot is wider than 300 ft.	60 sq. ft. per side 120 sq. ft. on both sides.	6 in. minimum 48 in. maximum	10 ft. high maximum as measured from top of nearest curb.	None
Under-Canopy	One per entrance	5 sq. ft. per side, 10 sq. ft. on both sides.	No limit	Lower edge must be at least 8 ft. above walkway	None

Table 19.44.160(b)
Sign Requirements for Regional Retail Business and Industrial Zoning Districts.

Type	Number	Maximum Area	Copy Height	Sign Height	Special Requirements
Wall	No Limit	1 sq. ft. of sign for every one lineal foot of building frontage. 300 sq. ft. maximum sign area.	6 in. minimum 48 in. maximum	Cannot extend above the top of the building.	Multiple wall signs cannot exceed maximum wall sign area. Fin signs are calculated towards overall wall sign area
Ground	One per street frontage, two if lot is wider than 300 ft.	70 sq. ft. per side, 140 sq. ft. on both sides.	6 in. minimum 48 in. maximum	25 ft. high maximum as measured from top of nearest curb.	None
Under-Canopy	One per entrance	5 sq. ft. per side, 10 sq. ft. on both sides.	No limit	Lower edge must be at least 8 ft. above walkway	None

19.44.170 Permanent Signs in Residential Zoning Districts.

The requirements of this section apply to all uses in residential zoning districts and all legal residential uses in other districts.

- (a) **Standards.** Table 19.44.170 applies to permitted non-residential uses and multi-family residential uses in residential zoning districts.
- (b) **Permit Required.** A Sign Permit is required for installation, replacement, or a face change of the signs listed below.
- (c) **Residential Project Identification Signs.** Signs identifying a residential project shall follow ground sign regulations shown in Table 19.44.170, and limit one per street frontage.

**TABLE 19.44.170
Signs for Non-Residential Uses and Multi-Family Residential Uses in Residential Zoning Districts.**

Type	Number	Maximum Area	Copy Height	Sign Height	Special Requirements
Wall	No limit	0.33 sq. ft. of sign for every one lineal foot of building frontage. 75 sq. ft. maximum sign area.	6 in. minimum 24 in. maximum	Cannot extend above the top of the building.	Multiple wall signs cannot exceed maximum wall sign area.
Ground	One per street frontage, two if lot is wider than 300 ft.	32 sq. ft. per side, 64 sq. ft. on both sides.	6 in. minimum 24 in. maximum	5 ft. high maximum as measured from nearest top of curb.	None
Under-Canopy	One per entrance	5 sq. ft. per side, 10 sq. ft. on both sides.	No limit	Lower edge must be at least 8 ft. above walkway	None

19.44.180 Temporary Signs – Non-Residential Zoning Districts.

The following regulations apply to temporary signs in non-residential zoning districts.

- (a) **Signs that require a permit.** A Sign Permit is required for installation of temporary signs listed below.
 - (1) **Banners, Pennants and Ribbons.** All banners, pennants and ribbons are considered one temporary sign. Two such signs per tenant are allowed at one time, except for shopping centers with 2 or more tenants may have up to 4 signs on a property at one time. Display time for temporary signs is limited to a total of 120 days in a calendar year.
 - A. **Banners.** Banners are limited to 60 sq. ft. and must be stretched taut and secured against the building, fence or wall and not attached to landscaping.
 - B. **Pennants and Ribbons.** Ribbons and pennants must not be attached to landscaping.
 - (2) **Large inflatable objects.** If ground mounted, large inflatable objects shall not 10 feet in height. If roof mounted, such signs shall not exceed 10 feet above building height. May

not be located within required parking, landscaping or walkway areas. Display time: a maximum of 10 days in a calendar year.

(3) **Ground Sign Sleeve.** Ground sign sleeves must be made of durable fabric, and not increase the size of the ground sign or obscure the address numbers. Ground sign sleeves are allowed for 90 days or until the permanent sign is installed, whichever is shorter.

(4) **Building Wrap.** Building wrap signs are allowed only in commercial buildings of five stories or greater in Block 18 of the Downtown Specific Plan District. The building wrap sign is limited to 3 floors of the building and cannot include any movement or animation.

(5) **Automotive Banner Program.** See Section 19.44.210 (Automobile Sales Decorative Banner Program).

(b) **Signs that Do Not Require a Permit.** The following types of temporary signs are allowed without a permit.

(1) **Exempt signs.** Any sign exempt from permitting under section 19.44.050.

(1) **Balloons for commercial uses.** Balloons that do not exceed 14 inches in any dimension are limited to 10 feet above the ground and shall not extend over the public sidewalk or roadway. If balloon exceeds 14 inches in any dimension, it is considered a large inflatable object.

(2) **Window signs.** Window signs are limited to 25 percent of the total window area per façade, per tenant space.

(3) **Portable Signs.** Portable signs of up to 8 square feet in area are allowed with the following restrictions:

- A. Sign is oriented to on-site vehicles and pedestrians;
- B. Only one portable sign is permitted per tenant space;
- C. Portable signs cannot exceed 3.5 feet in height;
- D. Portable signs must be placed with a minimum 3 feet of clearance for pedestrian travel. The sign is prohibited in landscaping or parking areas;
- E. Portable signs may only be displayed when the establishment is open.

19.44.190 Temporary Signs – Residential Zoning Districts.

The following requirements apply to temporary signs in residential zoning districts:

(a) **General Requirements**

(1) **Commercial messages.** Temporary signs with commercial messages are prohibited in residential zoning districts except as authorized by section 19.44.050.

(2) **Sign area.** The total of all temporary signs on a single premises shall not exceed 16 square feet in total sign area, except that for 90 days prior to an election and 10 days after an election, the total area of all signs shall not exceed 32 feet in area.

(3) **Sign height.** Signs shall not exceed 3.5 feet in height.

(4) **Location.** Signs shall not be placed on a traffic median, sidewalk, bicycle lane or other travel way or path, or attached to any utility pole, light pole, fire hydrant, utility box, or traffic control device. Temporary ground signs may only be placed in landscaped areas of the property, including landscaped areas of the public right of way on or adjoining the property.

(5) **Permission of owner.** Signs shall not be placed on private property without the permission of the owner or occupant.

(b) **Permits.** No permit is required for temporary signs that meet the above standards.

19.44.200 Electronic Message Center (EMC) Restrictions.

Where allowed, EMC sign elements shall be designed as a part of and fully integrated with the architectural design of any other sign permitted on the same parcel of land. EMC signs shall conform to the following:

- (a) **Permitted zoning district.** EMC signs are permitted only in the Regional Retail areas.
- (b) **Permitted by use.** Places of assembly and theaters may establish a separate EMC sign in addition to any primary signs allowed in the applicable zone district.
- (c) **Calculation towards sign area.** EMC signs are counted towards sign area limitations of the subject zoning district. If the EMC is a ground sign, no other ground sign is allowed in that location. If the EMC is located on a building, it shall count towards the maximum building sign allowance. If the EMC is located in a window, it shall count towards the maximum window coverage.
- (d) **Sign area.** An EMC wall sign shall not exceed 100 sq. ft. sign area, and an EMC ground sign shall not exceed 50 sq. ft. sign area per side.
- (e) **Sign height.** EMC sign height shall not exceed 10 ft. high as measured from top of nearest curb.
- (f) **Location.**
 - (1) **Safety.** EMC's shall be located in a manner that the Director determines based on reasonable evidence will not adversely interfere with the visibility or functioning of traffic signals and traffic signage, taking into consideration the physical elements of the sign and the surrounding area, such as information analyzing physical obstruction issues, line of sight issues, brightness issues and visual obstruction or impairment issues, but not including the message content on the sign.
 - (2) **Distance from Residential Zoning Districts.** EMC's must be 150 feet or more from the nearest residential zoning district on the same street as the sign, and an EMC shall not face a residential use on an abutting property.
- (g) **Message Requirements.**
 - (1) **On-Site.** EMC's may display non-commercial messages or messages advertising on-site establishments. Messages displaying off-site commercial messages are prohibited.
 - (2) **Duration.** Sign messages shall have a minimum hold time of 30 seconds. EMC's are allowed to be illuminated between the hours of 7:00 a.m. and 10:00 p.m. and only while businesses are open.
 - (3) **Illumination.** Illumination shall not exceed 0.3 footcandles over ambient lighting when measured at the following distances based on sign area. For signs with an area other than those listed, the measurement distance may be calculated using: Distance= Square root of sign area (sq. ft.) X 100.

SIGN AREA (square feet)	MEASUREMENT Distance (feet)
40	63
50	71
60	77
70	84
80	89
90	95
100	100
110	105
120	110
130	114
140	118

- (4) **Motion.** Animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement are prohibited.

Transition from one message to another message shall appear instantaneous as perceived by the human eye.

(5) **Audio, Emissions.** Audio messages, and emissions of smoke, fumes, and vapors, are prohibited.

(6) **Defaults for Malfunction.** All EMC signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

(h) **Prohibition on Temporary Signs.** If an EMC is installed on a property, no temporary signs are allowed for the property during any time that the EMC is in operation.

19.44.210 Automobile Sales Decorative Banner Program.

(a) **Purpose.** The purpose of allowing decorative banners for automobile retail establishments located in the C-2/ECR zoning district along El Camino Real is to recognize the distinctive requirements of this form of retail and to foster a unified image of a Sunnyvale “auto row.” Uniform decorative banners strengthen the collective impact of display and advertising for auto retail along El Camino Real, in a manner that is attractive, compatible, and safe, and enhances the streetscape and the economic well-being of the city.

(b) **Decorative Banner Program.** Any automobile retail establishment desiring to display decorative banners may do so only as a participant in an approved decorative banner program. All decorative banners must be consistent with the approved program, and no more than one decorative banner program may be approved for any twelve-month period.

(c) **Decorative Banner Program Permit and Requirements.** The Director may approve a decorative banner program permit in accordance with the regulations and criteria set forth in this section. The following regulatory standards are required conditions for any decorative banner program:

(1) **Location.** The entire decorative banner shall be located on private property, outside of vision triangles and shall not extend into or be allowed to move into the public right-of-way.

(2) **Quantity.** Each property participating in a decorative banner program may display a maximum of one banner for every 30 lineal feet of street frontage.

(3) **Size.** Each decorative banner shall be a minimum of 8 square feet and a maximum of 16 square feet. All decorative banners in a decorative banner program shall be the same size.

(4) **Distance between decorative banners.** No decorative banner shall be located closer than 10 feet to another banner.

(5) **Height.** The bottom of each banner shall be at least 8 feet and not more than 12 feet high measured from the top of the nearest curb. All decorative banners located on a property shall be the same height.

(6) **Materials.** Decorative banners shall be of durable fabric intended for outdoor use such as alufab, prytone, sunbrella or similar quality fabric. Non-fade inks shall be used on the decorative banners.

(7) **Hardware.** Brackets for mounting the decorative banners to poles shall be of high quality such as stainless steel banding with fiberglass arms which can flex with the wind.

(8) **Maintenance.** Regardless of the time frame permitted for decorative banners through a decorative banner program, decorative banners shall be promptly replaced when ink fades or fabric tears, frays or fades. Hardware shall be replaced or repaired when damaged or twisted. All decorative banners shall be fastened to keep taut and shall not be loose or floppy.

(d) **Permit Application.** An application for a decorative banner program permit shall be made on a form supplied by the Director and initiated by owners or agents of automobile retail establishments. The application shall be accompanied by the required fee, as adopted by resolution of the City Council. In order to apply, the applicants must demonstrate, by providing

written documentation that at least fifty-one percent of the automobile retail establishments located along El Camino Real in Sunnyvale consent to the proposed program.

Along with demonstrating that all of the above required conditions of approval have been met, the following information shall be submitted to the Director in conjunction with an application for a permit:

- (1) Site plans for each automobile retail establishment that will be participating in the program, indicating quantity, location and height of decorative banners for each property;
- (2) Color drawings showing decorative banner design, including colors, materials, hardware and size; and
- (3) Explanation of duration of display of each set of banners that are requested as part of the decorative program.

(e) **Permit Duration and Renewal.** A decorative banner program permit may be issued for a total of twelve months with a maximum of four sets of decorative banners. A set of decorative banners may be displayed for a maximum of six months, after which the banners shall be removed or replaced by another set of decorative banners which have been pre-approved; however, upon request, the Director may approve an extension of display time for any set of decorative banners for up to six additional months. Maximum total duration is one year. The permit shall expire automatically after twelve months from the date of issuance. Upon expiration of the permit, automobile retail establishments may apply for another permit following the same procedures as for an original application.

(f) **Appeal of Denial of Permit.** The applicant may appeal the decision of the Director to deny a decorative banner program within fifteen days of the decision to the Planning Commission, in accordance with the general procedures set forth in Chapter 19.98. The Planning Commission may approve, approve with conditions, or deny the application for a decorative banner program. The decision of the Planning Commission shall be final.

19.44.220 Master Sign Programs.

The purpose of master sign programs is to harmonize the appearance of signs, in a manner allowing creativity in design and commercial identification, while avoiding extremes of size, color and shape. A Master Sign Program is also used to distribute allowable sign area for multi-tenant buildings and complexes. Master sign programs existing at the time of the adoption of this chapter may continue in effect, until modified.

(a) **Applicability.** A Master Sign Program is required whenever any of the following circumstances exists:

- (1) New nonresidential developments of 6 or more separate tenant spaces will share either the same parcel or structure and use common access and parking facilities (*e.g.*, shopping centers, malls, office complexes and industrial parks);
- (2) Proposal for an off-site sign for an immediately adjacent site where opportunities for on-site signage are limited.

(b) **Allowable Modifications.** A Master Sign Program may provide for exceptions from the standards of this chapter, subject to the findings in the Exceptions section of this chapter (19.44.230).

(c) **Review Authority.** All Master Sign Programs are reviewed with a Sign Permit.

(d) **Required Findings.** In order to approve a Master Sign Program, the following findings must be met, in addition to other applicable regulations in this section:

- (1) The proposed signs are compatible in architectural style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;

(2) Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification; and

(3) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.

(4) Revisions to Master Sign Programs. The Director may approve revisions to an approved Master Sign Program with a Sign Permit.

19.44.230 Exceptions to Sign Standards.

(a) **Requests for Exceptions.** Unusual site conditions may warrant signs not otherwise permitted by this chapter. A Sign Permit application that includes a request for exceptions to standards established by these regulations is subject to review by the director and shall include reasons for the request. The maximum allowable deviation is 25% of the requirement.

(b) Any of the following aspects of a permanent sign are eligible for the consideration of an exception:

- (1) Sign area;
- (2) Sign height;
- (3) Sign location (on-site only);
- (4) Copy height;

(c) **Findings for Approval of an Exception.** An exception to the sign regulations may be granted only if all of the following findings are met:

(1) There are exceptional or unusual circumstances applying to the property involved which do not apply generally to properties in the vicinity with the same zoning, such as, but not limited to:

- A. The presence of a legal, nonconforming structure; or
- B. Visual obstructions; or
- C. Unusual building location on-site; or
- D. Unusual building design, architectural style, or historic significance.

(2) The exception is consistent with the purpose and intent of the sign regulations, as set forth in section 19.44.020, and will not constitute a grant of special privilege or entitlement inconsistent with limitations applied to other properties in the vicinity with the same zoning.

(3) The sign exception will not result in visual clutter and is consistent with the intent and purpose of these Sign Regulations.

19.44.240 Nonconforming Signs.

The following provisions apply to legal nonconforming signs. Any sign installed or maintained without required permits is considered an illegal nonconforming sign and must conform to the current code. All temporary signs must meet current requirements.

(a) **Repairs and Minor Alterations.** A nonconforming sign may be maintained and repaired. A nonconforming sign may also be altered as a change of copy, sign face or color. Any such minor alteration cannot increase the sign's nonconformity. Any repair that qualifies as a major alteration or expansion must meet the requirements of the relevant subsection(s) of this chapter.

(b) **Major Alterations.** Alterations that change the sign location, frame, or sign support structure require the sign to meet current requirements.

(c) **Expansion of the Sign.** Any expansion of a sign structure that affects a nonconforming sign shall meet current requirements. Affected signs are signs that must temporarily or permanently change the location or appearance of the sign, excluding sign face changes.

(d) **Approval of a Discretionary Review.** The Director or applicable approving body may require a nonconforming sign to meet current requirements as a condition of a Sign Permit, Use Permit or Special Development Permit.

(e) Discontinuance of Use. A sign associated with a use that has been discontinued for a period of 90 days must conform to current requirements. Notice shall be sent to the property owner who will have 10 days to respond to the notice.

(f) Replacement. Nonconforming signs may be replaced only under the circumstances provided for in 19.08.110 (Damage or Destruction).

19.44.250 Construction and Maintenance.

Signs must be maintained in a safe, unbroken and structurally sound manner. Damaged or missing sign faces must be repaired or replaced. All signs must be maintained in the same condition as when the sign was installed. Normal wear and tear of aged signs shall be repaired when they detract from the visible quality of the sign. When signs are repaired, they must be done so in a manner (paint colors shall match, etc.) that is consistent with the approved sign permit. When signs are removed, the wall behind the sign shall be repaired and painted to match the rest of the building

SUNNYVALE CODE- EXISTING VERSUS PROPOSED

PERMANENT SIGNS	Current			Proposed		
	Commerical (except C-2/ECR)	C-2/ECR	Notes	Commercial (except C-2/ECR, DSP Block 18)	C-2/ECR and DSP Block 18	Notes
Both wall and ground sign	Must choose, unless building is >10,000 sf			Can have both	Can have both	
Wall						
# per business	1	1		No limit	No limit	Multiple signs allowed, but must not exceed max sign area
SF/lineal ft	0.66	0.66	0.80 used along Evelyn Ave.	0.66	1.00	
Size- sf (min/max)	25/250	25/250	Bus over 10,000 sf get an extra 50 sf of sign area, but 250 sf max	25/200	25/300	
Placement	Face of bldg	Face of bldg		Flexible- face and side	Flexible- face and side	Except cannot face residential
Copy height (min/max)	None/36"	None/36"	Varies by bldg size and setback. Bldgs over 10,000 sf and set back 70+'- unlimited copy ht	8"/36"	8"/48"	
Ground						
#	1	1	Second sign if lot >300', one per frontage min	1	1	Second sign if lot >300', one per frontage min.
Size- sf (1 face/2 faces)	60/120	70/140	Must be 10' back from prop line, otherwise sign area is 10 sf less	60/120	70/140	Must be setback 1' from prop line and outside vision triangles
# of tenants	4+ center name	4+ center name		No limit	No limit	
Height	10'	25'		10'	25'	
Copy height (min/max)	4"/20"	4"-20"		8"/36"	8"/48"	
Under canopy						
# per business	1	1		1	1	
Size	5/10	5/10		5/10	5/10	
Projecting (Fin)						
#	Not allowed	Not allowed		1	1	
Size	Not allowed	Not allowed	Except downtown- Max 6sf/side or 2/3d's of the sidewalk width, whichever is larger. Shall not project >6' from the building facade.	N/A	N/A	Included as part of wall sign total sign area
EMC (Digital sign)						
Type	Limited to churches and theaters- considered a "readerboard"			Allowed in place of ground or wall sign		
Size				Same size as ground or wall sign		

ATTACHMENT C
Page 1 of 2

COMMERCIAL TEMPORARY SIGNS	Current			Proposed		
	Commercial (except C-2/ECR)	C-2/ECR	Notes	Commercial (except C-2/ECR, DSP Block 18)	C-2/ECR and DSP Block 18	Notes
Banners, pennants						
# per business	2	2		2	2	
Size- sf	60 each	60 each		60 each	60 each	
Location	Bldg or fence	Bldg or fence	Cannot be attached to landscaping	Bldg or fence	Bldg or fence	Not in landscaped area
Duration- per year	90	90	Add'l 14 days allowed for grand openings	120	120	Includes grand openings
Balloons						
#	5 in a cluster, no more than 20 clusters		No limit during weekends	No limit	No limit	No mylar balloons allowed
Size	14"/balloon	14"/balloon		No limit	No limit	
Height	10'	10'				Cannot extend into the public right-of-way
Ground sign sleeve						
#	1/ground sign	1/ground sign		1/ground sign	1/ground sign	
Duration				90 days	90 days	Or once permanent sign is installed, whichever is less
Portable signs (A-frame, etc)						
#	Not allowed	Not allowed	Allowed only on Murphy Ave Block 2	1	1	
Size- sf	---	---		4sf per face	4sf per face	
Height	---	---		4'	4'	
Duration	---	---		No limit	No limit	
Large inflatable object						
Location	On top of bldg or on ground			On ground or on roof of bldg		
Height	Total height of object may not exceed the height of the building- i.e. a 25' tall bldg may have a 25' tall object on its roof			Object cannot exceed 10' in height		
Duration	Counted towards 90 days for temp signs			Counted towards 120 days for temp signs		
Bounce houses						
Duration	Allowed w/o permit on weekends, otherwise a temp sign			Not considered a sign		

City	Wall Signs			Ground Signs				Temporary Signs- Banners, etc.		
	Number	Size (min/max)	Other	Number	Size (sf)	Height	Other	Number	Size (sf)	Duration (days)
Campbell	1	20/50		1	20 min 50 max	14'	Must be 150' wide lot and bldg set back 20'	2	40	60
Cupertino	1	20/200		1	100	8'	2nd sign if lot >500'	1	120	120
Gilroy	N/A	20/150	Max sign area can be shared between wall and ground sign	1	See wall sign note	7'		3	30 (90 total)	120
Los Altos	1	25/100	1 sf/1'. Shopping centers 15 min 30 max	1	150	10', 30' for shopping ctrs	2nd frontage allowed 75 sf	1	40	90
Morgan Hill			1.5sf/1'	1	50	8'	Large tenants get 75 sf more and 12' ht	N/A	A part of overall sign sf	60
Mountain View	1	10/100	Aggregate sign area 2% of GFA	1	75	12'	Lots >120' wide 15' ht	N/A	A part of overall sign sf	30
Palo Alto	No limit	20/203	Cannot exceed max sign area	1	70	25'	2nd sign if lot >250'	1	60	45
San Jose	Up to 5	300	Cannot exceed max sign area	1	120	20' (40' for Stevens Creek)	Street frontage min 100'. 2nd sign if lot >500'. Auto max 150 sf	3	20 (60)	90
Santa Clara		300-600 total all signs	Aggregate sign area allowances			35'	Shopping centers- add'l 200 sf ground sign	3	200 (600)	90
Saratoga	N/A	40	No limit on # of signs. Secondary entrance signs not exceeding 2 sf allowed	1	40	17'		1	10	30
Sunnyvale- current	1	25/250		1	140	25'	2nd sign if lot >300'	2	60 (120 total)	90
Sunnyvale- proposed	No limit	25/300	Cannot exceed max sign area. Can include fin sign	1	140	25	2nd sign if lot >300'	2	60 (120 total)	120

PUBLIC OUTREACH EFFORTS

Several meetings have been held to provide the community and businesses an opportunity to share their concerns and issues with the current sign code and to discuss possible changes being considered by staff. In general, these meetings were lightly attended. Notification has been done by several methods, including:

1. E-mails to neighborhood groups;
2. E-mails to businesses for which e-mails are available;
3. Notices sent to all sign companies that have pulled permits in the City;
4. Hand delivery of meeting notices to businesses in shopping centers in the City;
5. Working with Economic Development staff in setting up meetings for specific groups, such as the auto dealers;
6. Project web page with updated information about the study;
7. An on-line survey to provide feedback to staff;
8. A posted notice at the One Stop counter about the study, including a blank survey form that can be completed and handed in;
9. Notices in the newspaper.

The following meetings have been held:

April 2012

An outreach meeting for sign company representatives was held the afternoon of April 18. Afternoon and evening meetings were held on April 19 to get input from businesses and the community. These meetings were to provide staff input about what issues are important to consider and what should be included in the study. These meetings were attended by six people, and information was shared regarding sign effectiveness and design, and residential sign issues.

August 2012

Staff met with the auto dealers to discuss their issues with signs. Concerns mentioned were:

1. Increasing on site directional sign allowances to allow them to be high enough to be seen from the street.
2. Streamers, balloons and pennants attract people to the dealership and promote sales. They establish a presence that people relate to for future identification and purchases.
3. Banners serve important purposes, and there are times when the dealer's corporate partner requires them to be placed on site with little advance notice.

September 2012

Staff tried another approach to get public input for study issues. An open house meeting was held for four study issues (food trucks, telecommunication facilities in the public right-of-way, parking, and the sign code). The hope was

that each topic would bring people with an interest in that study, and they would find out more information and provide feedback for the other study issues being presented that same evening. While over 20 people attended, most people came to discuss the food truck issue, and few provided input for the sign code issues.

April 2013

A community meeting was held the evening of March 28. Although notices were sent to neighborhood groups, a notice in the paper and e-mail notices to those listed on the interested party list kept for the study, the only person to show up was a Planning Commissioner.

A separate meeting specifically for the business community was held at 8:30 a.m. on April 3, 2013, and was attended by four number of business people. Concerns included:

4. Interest was shown in allowing “moving” or “dancing” men, which are currently not allowed.
5. There is an understanding that the sign code should consider safety and aesthetic concerns, but business owners and operators also expressed a need to have a variety of ways to identify their businesses. Examples include temporary signs, such as a-frame signs as well as projecting signs.
6. The current limitation for buildings (except large tenant buildings) to choose between a ground sign or wall sign, not both, limits a business’s ability to have their name seen.
7. It was asked if a property owner could be required to provide ground sign opportunities to all businesses, not just major tenants or the businesses chosen by the property owner.
8. The City should create clear and understandable sign design guidelines which would be fairly applied to all businesses.

Staff also met with the auto dealers on April 17, 2013. The dealers want to maintain the ability to use temporary signs for sales purposes, maintaining the ground sign height of 25 feet, and allowing taller traffic directional signs.

Survey Results

Staff created a non-scientific survey to gain public input for the issue. Thirty-five completed surveys were received (paper and on-line) and the results follows this section.

City of Sunnyvale- We'd like your opinion and feedback

Questions about business signs in the City:

A. What is the most important purpose of the sign code (rank with #1 highest)?

- Driver Safety
- Aesthetics/design
- Finding business location
- Making business stand out

B. In what general areas should the City consider as part of the study (check as many as you like)?

- El Camino Real
- Commercial areas (not El Camino Real)
- Industrial areas
- Office projects
- Residential

C. In general, how do you feel about current commercial and industrial signage in Sunnyvale (check best answer):

a. Number of signs

- Not enough
- Too many
- Just right

b. Size:

- Too small
- Too big
- Just right

c. Height:

- Too short
- Too tall
- Just right

d. Amount of information on sign:

- Not enough information
- Too much information
- Just right

- e. Design
 - Most signs are well designed
 - Most signs are poorly designed
 - Just right

- f. Temporary signs
 - Not enough
 - Too many
 - Just right

D. Should the City consider changing sign requirements for the following? (answer by circling yes or no)

- a. LED/animated signs (currently not allowed)- **Y / N**
- b. Large freeway gateway signs (currently not allowed)- **Y / N**
- c. Number of tenants allowed on ground signs (currently 4 names in commercial zones)- **Y / N**
- d. Supergraphics/signs that cover a portion of the face of a building (currently not allowed)- **Y / N**
- e. Ground sign height (currently 25 feet on El Camino Real and 10 feet elsewhere)- **Y / N**
- f. Sign size (currently based on building frontage)- **Y / N**
- g. Number of signs (currently a wall sign allowed per business)- **Y / N**
- h. Temporary signs (currently allowed up to 90 days a year, and excludes a-frame signs)- **Y / N**
- i. Allow exceptions or variances to the sign requirements (no exception or variances currently allowed by code)- **Y / N**
- j. Shopping center signs (currently requires a Master Sign Program)- **Y / N**
- k. Multi-floor offices (business signs above 1st floor prohibited)- **Y / N**

E. Comments or feedback:

	Driver safety	Aesthetics/Design	Finding business location	Making business or location stand out	
Most important purpose of a sign code	1	2	3	4	
	El Camino Real	Commerical (non-ECR)	Industrial	Offices	Residential
What areas of the City should we focus on?	1	3	2	4	5
	Not enough	Too many	Just right		
Number of signs?	2	3	1		
	Too small	Too large	Just right		
Size?	2	3	1		
	Too short	Too tall	Just right		
Height?	2	3	1		
	Not enough	Too much	Just right		
Amount of information on sign?	2	3	1		
	Well designed	Poorly designed	Just right		
Existing sign design?	2	1	3		
	Not enough	Too many	Just right		
Temporary signs	3	1	1		

ATTACHMENT E
 Page 5 of 9

Should City CONSIDER changing sign requirements for the following?		
	Yes	No
Digital signs (electronic message centers)?	43%	57%
Large freeway gateway signs?	39%	61%
Number of names on ground signs?	66%	34%
Building wraps signs (supergraphics)?	47%	53%
Ground sign height?	50%	50%
Sign size currently allowed?	59%	41%
Number of wall signs allowed?	61%	39%
Number of days for temp signs?	68%	32%
Exceptions (variances)?	59%	41%
Shopping center signs?	50%	50%
Multi-floor offices?	55%	45%

COMMENTS FROM PUBLIC

Comments from businesses from notices hand-delivered to 600 businesses located in shopping centers:

1. Be more lenient on businesses
2. Allow flashing signs
3. Allow temp signs for longer time
4. No need to do the study
5. Just save taxpayers money
6. Extend temp signs from 30 to 90 days at one time
7. You are too strict and not sensitive to business needs
8. We are not allowed to have out business sign on the main sign near the sidewalk
9. Allow ground signs and flag signs
10. We have been trying to get a monument sign for the last few years, don't know why it's an issue to get it
11. Every business should have a monument sign so the customer can see it from the road without going into the complex
12. Approve hanging signs on buildings for promotions
13. It is hard to run a small business at this time We need temp and ground signs when we do promotions
14. The sidewalk and street signs should be allowed for the restaurant business
15. I need visibility on the 2nd floor
16. I would like to place a sign on the main floor directing people to my office so they can find me
17. After reading the article on 2/15/13 by Alia Wilson, I was pleased to see that the City is becoming more flexible and more sympathetic to business needs. As a business owner, I know that properly placed signage is paramount.
18. I applaud your willingness to adapt to our business needs.
19. Temp signs should have a limit
20. There should be free days in a year
21. Check for trucks and signs on the street
22. Please try to accommodate businesses, not penalize. We pay taxes.
23. I would like to see signs near street corners
24. The sign cannot be seen from the street. Would be nice to be able to have a sign on the street
25. We would love to put our sandwich board outside
26. We would love to have someone dance on the corner with a sign so people know we are here
27. How do we tell locals we are here if we can't put out a sign?
28. It is very difficult to promote a new small business with no way to have them see us and know we are here
29. A larger sign so its more visible to the public driving or walking on El Camino Real
30. Larger signs!!!
31. Able to have sign visible to people driving by and able to put out A-frames for special events.
32. Let us put up signs like Mountain View and Santa Clara
33. Banners that become ragged should be taken down, e.g. "lotto", etc.
34. Signs on permanent closed businesses should be removed
35. Allow sidewalk signs

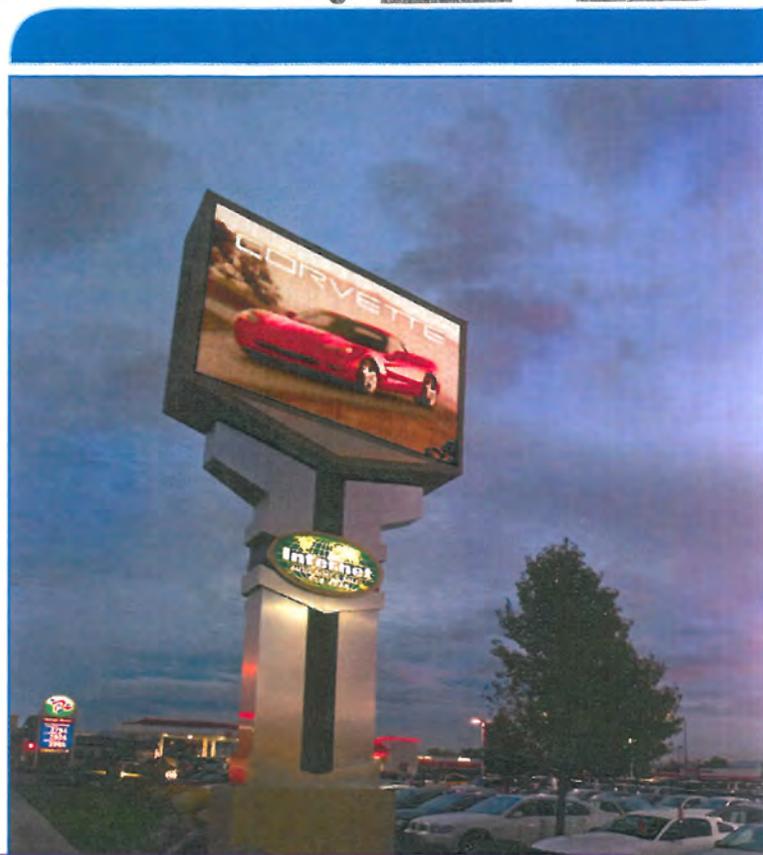
36. Nothing is allowed by the street. Our shopping center doesn't let us hang banners, the City doesn't want flashing or scrolling signs. We can't have a sign posted by the entrance of the center. How can we do business?
37. Make it bigger and both directions
38. Should allow more days for temporary signs
39. Signs are important for businesses to succeed in Sunnyvale. They should be more business friendly, allow more time for temporary banners.
40. Allow flags, at least on weekends, to help promote businesses and help them succeed.
41. No input. Good job
42. Allow more signage
43. Shopping center directional signs within center.
44. Our center has a large overhang so the signs on the outside of the overhang don't help if you are walking under the overhang. Should have signs easily seen.

Comments from survey cards:

1. Would like temp banner period extended
2. Too many ugly signs, not enough good ones
3. Control light output if digital signs considered
4. Don't allow digital signs in all areas
5. Need to regulate signs bordering residential areas (hours, brightness)
6. We currently have some goofy rule about the number of businesses that can be advertised, don't we? It is unhelpful
7. Let's keep out garish flashing lighted signs, but let's let people know where the businesses are
8. The number and size of signs depend on where located
9. Another important aspect of signs is communication
10. Vibrant home advertisements
11. Let's keep out garish flashing lighted signs, but let's let people know where the businesses are
12. Limit Master Sign Programs to design only- not the number of signs or location (already addressed in the code)
13. Address constant MSP modifications that defeats the purpose of MSPs by having different designs in a shopping center
14. Make a user friendly sign code
15. Ensure appropriate levels of signage for all businesses
16. Open to more leniency on locations of signs for permanent and types of temp signs, but not on size
17. Size and height of signs depends on location
18. Signs should have names of businesses only
19. No blinking signs please
20. Make sign regulations more user friendly
21. Consider allowing exceptions, since we allow variances of other land use requests
22. Unfair that industrial tenants all get to be on a ground sign, but not commercial tenants
23. Allow exceptions only for certain standards, or expand MSP concept
24. Purpose of sign code should be to provide adequate visibility for promotional purposes while conforming to City's design criteria
25. Allow temp signs more days if more variety used
26. Aesthetics/design of signs tells people a lot about our community character
27. Signs on ECR too tall
28. Corner lots should get two signs regardless of tenant size

29. Give some personality to particular businesses, signs are boring around El Camino
30. Businesses depend on signage to direct customers to our location and can also attract customers as they pass by, but we don't have a ground sign or street sign
31. Allow temporary ground signs for seasonal businesses
32. Lettering on signs should be consistent with DOT guidelines depending on the speed limit of the road the sign is on
33. In cars, GPS make signage less important
34. If lighting requirements are part of the code, how did the obnoxious Brocade sign get approval?
Talk about light pollution
35. Electronic LED displays should be allowed, but not allowed to show animation. Static images that change every 6-8 seconds would be effective, yet not cause a distraction to drivers
36. Let's keep out garish flashing lighted signs, but let people know where the businesses are.

Recommended
Night-time
Brightness Levels
for On-Premise
Electronic Message
Centers (EMC's)



ISA INTERNATIONAL
SIGN ASSOCIATION

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Introduction



Electronic Message Centers (EMC's)

One of the more interesting types of signage that is becoming increasingly popular is on-premise electronic message centers, or EMCs. You may have heard EMCs being referred to as changeable message displays or digital signs.

EMCs are *not* digital billboards, which advertise a good or service that is located away from where the sign is located. Rather, EMCs are digital signs that are located *on the premises* of the business, and that advertise goods and services that are provided at the location.



Digital billboard/off-premise sign advertising an automobile business away from where the sign is located



Electronic Message Center (EMC)/on-premise sign advertising an automobile business that is located at the place of business

There is often confusion regarding on and off-premise digital signs. However, EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes. For the purposes of this publication, *we are focusing solely and exclusively on EMCs.*

EMCs that are too bright at night can be offensive and ineffective. EMC brightness at night is an issue where sign users, the sign industry, and the planning community have a common goal: ensuring that EMCs are appropriately legible. We know the messages that these signs convey can be rendered unattractive and perhaps even unreadable if they are programmed too bright.



That's why many sign companies recommend to their customers that in order for these signs to be most effective, their brightness be set at such a level to be visible, readable and conspicuous.

In 2008, the International Sign Association (ISA) retained Dr. Ian Lewin of Lighting Sciences to help the industry develop scientifically-researched, understandable recommendations for EMC brightness. Dr. Lewin is a past chair of the Illuminating Engineering Society of North America (IES), and is greatly respected within the lighting field. His work for ISA was conducted with the input of experts within the sign industry. Dr. Lewin’s full report can be found at www.signs.org.

As a result of this research, the recommended night-time brightness level for on premise EMCs is 0.3 foot candles above ambient light conditions when measured at an appropriate distance. This is a lighting level that works in theory and in practice.

The research and the recommendations contained in this report pertain only to EMCs, not traditionally internally illuminated signs, such as these channel letter and neon signs below. EMC’s use a different lighting technology than most of these types of signs, and as such the scientific approach differs.



You can rest assured that the information contained in this publication is relevant, appropriate and workable for determining night-time EMC brightness levels.

We have provided six short steps to help guide the process and recommended statutory language. If you need further assistance, feel free to contact ISA at (703) 836-4012 to answer any of your EMC brightness questions.

EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes.

Executive Summary

ISA Electronic Message Display Brightness Recommendations



This summary has been developed to assist stakeholders concerned with development of brightness standards for large-format, electronic displays used for on-premise sign applications. This summary comprises:

- 1) *an overview of the importance of ensuring appropriate brightness,*
- 2) *technology utilized to ensure appropriate brightness,*
- 3) *recommended brightness standards, and*
- 4) *brightness measurement methodology.*

1. Overview of the importance of ensuring appropriate night-time brightness.

Electronic displays that are too bright at night can be offensive and ineffective. There are significant advantages to ensuring that an electronic display is not overly bright. These advantages include:

- » Conservation of energy
- » Increased life expectancy of the electronic display components
- » Building goodwill with the community
- » Ensuring the legibility of the display

It is in the best interest of all stakeholders to ensure that electronic displays are sufficiently bright to ensure clear legibility, while at the same time avoiding a display that is overly bright.

2. Technology utilized to ensure appropriate brightness.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing. The following general methods are used to dim an electronic display for appropriate night-time viewing:

1. *Manual Dimming.* Using this method, the sign operator dims the display in response to changing ambient light conditions.
2. *Scheduled Dimming.* Sunset-sunrise tables allow an electronic display to be programmed to dim at the same time that the sun sets and rises. This method is generally acceptable, but is more effective when used as a backup to automatic dimming controls capability, such as photocell technology.
3. *Photocell Technology.* An electronic display that utilizes photocell technology can automatically dim as light conditions change. A photocell sensor alerts the display to adjust brightness according to ambient light conditions.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing.





ISA Electronic Message Display Brightness Recommendations

3. Recommended brightness standards.

ISA commissioned Dr. Ian Lewin of Lighting Sciences, Inc. to develop brightness criteria for on-premise electronic displays. Dr. Lewin is a leading lighting expert with over thirty years experience in the lighting industry.

Dr. Lewin recommended the development of brightness criteria based on the Illuminating Engineering Society's (IES) well-established standards pertaining to light trespass, IES Publication TM-11-00. The theory of light trespass is based on the concept of determining the amount of light that can spill over (or "trespass") into an adjacent area without being offensive.

As a result of his research, Dr. Lewin recommended two different brightness settings based on whether the EMC was located in an area of high or low ambient light. After field testing and utilizing Dr. Lewin's recommendations, it was determined that using the more conservative recommendation is appropriate in areas of both low and high ambient light. In order to simplify Dr. Lewin's recommendations, and to take a more reasonable approach to ensure that EMC's are sufficiently visible but not overly bright, it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

...it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

4. Brightness measurement methodology.

There are two generally accepted measures of brightness in the sign industry; illuminance and luminance. Illuminance, the preferred method, is a measure of the amount of light intercepting an object at a given distance from a light source and is measured in footcandles or its metric equivalent, lux. Illuminance can be measured with a footcandle meter (also know as a luxmeter), which are relatively inexpensive (\$100-1000) and commonly available. The footcandle meter should be accurate to two decimal points for accurate measurements. The second method, luminance, is an absolute measure of the amount of brightness that is being emitted from a light source and is usually measured in candelas per square meter, also known as "nits." Luminance can be measured by use of a "nit gun", which are expensive (~\$3,000) and difficult to procure. The preferred method of measurement is illuminance using a footcandle meter because a measure of luminance fails to account for ambient light conditions.



Recommended Legislative Language



1. **Electronic Message Center (EMC) Criteria:** The night-time illumination of an EMC shall conform with the criteria set forth in this section.
 - A. **EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table.
 - B. **EMC Illumination Limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
 - C. **Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
 - D. **Definition of EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.



SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

** For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$*

Six STEPS: EMC Brightness Levels

How to Measure the Brightness of an Electronic Message Center (EMC)



STEP 1

OBTAIN AN ILLUMINANCE METER.

Purchase or otherwise procure an illuminance meter. Most city/county traffic departments have an illuminance meter, which are also referred to as lux or footcandle meters (lux is the metric measure of illuminance; footcandles is the English measure of illuminance). The illuminance meter must have the ability to provide a reading up to two decimal places and must be set to read footcandles. It is preferred to have an illuminance meter with a screw-mount that allows the sensor to be mounted on a tripod. A tripod ensures that the highly sensitive sensor is held perfectly still; otherwise it may be difficult to obtain an accurate reading.

If you do not have an illuminance meter, the Konica Minolta T-10 is a high quality illuminance meter that works well. However, other less expensive illuminance meters may also provide adequate results. The International Sign Association has no affiliation with Konica Minolta.

STEP 2

DETERMINE SQUARE FOOTAGE.

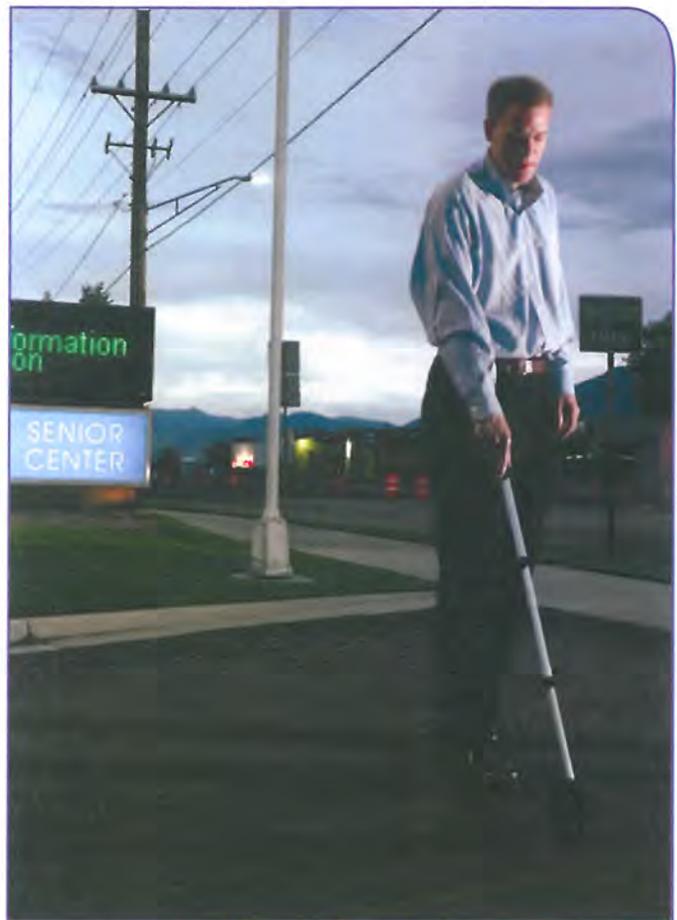
Determine the square footage of the face of the electronic message sign (EMC) by multiplying the height and width of the EMC. This information may be available in a permit application, or can be determined by physically measuring the height and width of the EMC. Do not include the sign face square footage attributable to any additional static signs associated with the EMC (if applicable).



STEP 3

DETERMINE THE MEASUREMENT DISTANCE.

Using the total square footage found in Step 2, look up the measurement distance in the table provided in the Recommended Legislative Language on page 6, to determine the distance to measure the brightness of the EMC. The distance should be measured perpendicular to the EMC sign face. The use of a measuring wheel is the most convenient way to measure the distance.





How to Measure the Brightness of an Electronic Message Center

STEP 4

PREPARE THE DISPLAY FOR TESTING.

Ensure that the EMC is programmed to alternate between a solid white (or in the case of a monochrome display – the solid color of the display) message and a blank message. You may wish to have a requirement that the sign owner cooperate with testing by programming the EMC for testing upon written notice.

STEP 5

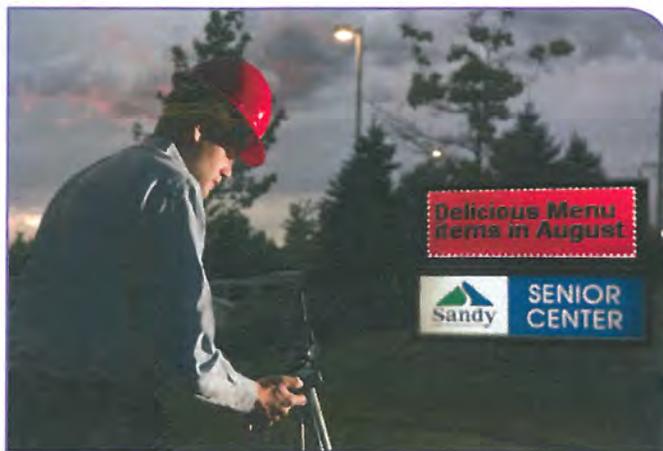
USE AN ILLUMINANCE METER TO MEASURE THE BRIGHTNESS OF THE EMC.

Mount the sensor of your illuminance meter to a tripod and orient the sensor directly towards the face of the EMC at the measurement distance determined in Step 2.



STEP 5 (CONTINUED)

Ensure that the illuminance meter is set to measure footcandles up to two decimal places. As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance. If not, the display will need to be adjusted to a lower brightness level using the manufacturer’s recommended procedures.



STEP 6

ENSURE THAT THE DISPLAY CAN ADJUST TO DIFFERENT AMBIENT CONDITIONS.

Inspect the sign to ensure that it incorporates a photocell or other technology to ensure that the display can adjust according to ambient lighting conditions.

As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance.



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