

ORDINANCE NO. 2010-357

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LOS ALTOS REPEALING LOS ALTOS MUNICIPAL
CODE CHAPTER 14.68 IN ITS ENTIRETY AND
REPLACING IT WITH A NEW CHAPTER 14.68
ENTITLED "SIGNS ON PRIVATE PROPERTY"**

WHEREAS, by adopting this Ordinance, the City Council intends to balance the right of free speech by sign display against the community interests in limiting the impacts of excessive and/or inappropriate signs; and

WHEREAS, the City Council further intends by this Ordinance to regulate signs in a manner which is consistent with the Constitutions and laws of the State of California and the United States; and

WHEREAS, the Ordinance amendments set forth below further the goals and policies of the City's General Plan and are necessary to promote the health, safety and welfare of the City; and

WHEREAS, the Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), and the guidelines promulgated thereunder and, further, the Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant adverse effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 11.04 of the Los Altos Municipal Code entitled "Signs" is hereby repealed in its entirety.

SECTION 2. AMENDMENT OF CODE: Chapter 14.68 of the Los Altos Municipal Code entitled "Recycling Facilities" is hereby repealed in its entirety and replaced with a new Chapter 14.68 entitled "Signs on Private Property" to read as follows:

"CHAPTER 14.68 SIGNS ON PRIVATE PROPERTY

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14.68.010 Title, Authority, Scope

A. Title

This Chapter shall be known as Signs on Private Property Ordinance of the City of Los Altos, California.

B. Authority

This Chapter is adopted pursuant to the City's 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, and 5490 *et seq.*; Penal Code 556 *et seq.*; and other applicable state laws.

C. Scope

This Chapter regulates signs, as defined herein, which are within the legal corporate limits of the City, but not on City Property, as defined herein, or in the public right-of-way, or on property owned and/or controlled by other City controlled entities. Signs on City Property and the public right-of-way are controlled by Chapter 9.26, or the City's "Downtown Outdoor Display Permit Guidelines." This Chapter does not regulate signs used in conjunction with parades, demonstrations and public assemblies; such matters are covered in Chapter 9.25.

14.68.020 Purpose

The purpose of this Chapter is to create, execute and enforce a comprehensive system for the reasonable regulation of signs, as defined herein, within the City. By adopting this Chapter the City intends to balance many competing interests, which include but are not limited to the following:

A. Expression

To allow businesses, establishments, and individuals to exercise their right to free speech by displaying an image on a sign and to allow audiences to receive such information.

B. General Plan

To execute the goals of the Community Design and Historic Resources Element of the City's General Plan.

- C. **Cumulative Visual Impact**
To limit the adverse cumulative effects of signs and sign structures on community aesthetics and the visual element of the physical environment. Regulations of signs consistent with the goals and objectives of the community are necessary to ensure that the community character and image are protected.
- D. **Visual Attractiveness**
To maintain Los Altos's visual attractiveness for residents and visitors, as well as for commercial, industrial and professional businesses and other establishments, while maintaining economic stability.
- E. **Public Health**
To protect the general public health, safety and welfare of the community.
- F. **Safety**
To reduce possible traffic and safety hazards through regulations which eliminate visual clutter and distractions along city streets and freeway corridors.
- G. **Information**
To accommodate the need for signs to direct persons to various places, activities and uses, in order to provide for maximum public convenience.
- H. **Reasonable Regulation**
To provide a reasonable system of sign regulation to ensure the development of a high quality visual environment.
- I. **Economic Enhancement**
To enhance the economic value of the community and each area, business and use thereof, through the regulation of such elements as size, number, location, design and illumination of signs.
- J. **Protect Property Values**
To preserve and protect the appearance of, and property values within, the City.

14.68.030 Basic Principles

The principles stated in this section apply to all signs and procedures within the regulatory scope of this Chapter and to all provisions of this Chapter.

- A. **Applicability**
All signs within the scope of this Chapter shall conform to the provisions of this Chapter. If any provision of this ordinance imposes more stringent requirements than are set forth within this Chapter, the more stringent provisions shall prevail. In addition to the provisions of this Chapter, specific regulations shall apply as provided for in each specific plan. This Chapter is intended to have prospective effect only; however, this does not waive the City's right to demand compliance with this Chapter, or to demand abatement of existing signs which were illegal when installed and have never been legalized, or which expand nonconformities without proper permitting.
- B. **Enforcement**
The Director is authorized and directed to enforce and administer this Chapter.

C. Regulatory Interpretations

All regulatory and administrative interpretations of this Chapter are to be exercised in light of the message neutrality and message substitution policies.

D. Message Neutrality

It is the City's policy and intent to regulate signs in a manner consistent with the U.S. and California Constitutions, which is content neutral as to protected noncommercial speech and which does not favor commercial speech over noncommercial.

E. Message Substitution

Subject to the property owner's consent, a protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign which is already legal or legal nonconforming without consideration of message content. Such substitution of message may be made without any additional approval or permitting, provided that the message substitution makes no changes to the physical structure of the sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over protected noncommercial speech, or favoring of any particular protected noncommercial message over any other protected noncommercial message. In addition, any onsite commercial message may be substituted, in whole or in part, for any other onsite commercial message, provided that the sign structure or mounting device is legal without taking message content into consideration. Message substitution is a continuing right and may be exercised any number of times, in whole or in part. Message substitution applies only to messages which are within the protection of the First Amendment to the U.S. Constitution and corresponding provisions of the California Constitution.

This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use, beyond that otherwise allowed; 2) affect the requirement that a sign structure or mounting device be properly permitted, when any permit requirement applies; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an offsite commercial message in place of an onsite commercial message or in place of a noncommercial message.

F. Onsite / Offsite Distinction

Within this Chapter, the distinction between onsite signs and offsite signs applies only to commercial messages. There is no location criterion for noncommercial speech on signs.

G. Permanent Signs: Accessory or Appurtenant Uses Only

Unless otherwise provided herein, permanent signs are to be accessories to, or appurtenant to, or auxiliary to, a main, principal or primary land use on the same parcel; the signs themselves are not to be a primary, principal, or secondary principal use on any parcel. This provision applies prospectively only.

H. Billboard Policy

Billboards, as defined herein, are prohibited. The City completely prohibits the construction, erection or use of any billboards. No existing, legal billboard may be converted to digital display, electronic changeable image display, mechanical changeable image display, or to function as a "message center" as that term is defined in Business and Professions Code section 5216.4. Signs within an area controlled by a master sign program which display messages pertaining to establishments subject to the same master sign program are not billboards, and thus are not subject to this prohibition.

No permit shall be issued for any billboard sign, and the Director shall take immediate action against any billboard constructed, installed or maintained in violation of this policy. In adopting this provision, the City Council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Chapter. Under this policy, no existing legal sign used for onsite commercial message display may be converted to use, in whole or in part, as general advertising for hire. This provision shall control over any more specific provision to the contrary.

The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable.

I. Non-communicative Aspects

All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, *etc.*, stand enforceable independently of any permit or approval process.

J. All Permit Requirements Must Be Satisfied

Unless expressly exempted from the permit requirement by this Chapter, all permanent signs may be mounted, constructed, installed or displayed only pursuant to a sign permit issued by the City. In addition, the sign owner or sponsor and the property owner must satisfy all other applicable permit and approval requirements, such as building permits, electrical permits, grading permits, *etc.*, even if the sign is exempt from the sign permit requirement.

K. Discretionary Review

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 limited to the non-communicative aspects of the sign, as defined herein, and compatibility with the location. Graphic design themes may be evaluated only for a master sign program, and then only as applicable to commercial message signs. Signs under a master sign program must be complete in all other building, structural and electrical requirements.

L. Legal Nature of Sign Rights and Duties

As to all permanent signs attached to real property, the sign-related rights, duties and obligations arising from this Chapter attach to and travel with the land on which a sign is mounted, installed or displayed; such rights and duties do not travel with the permittee, sign owner or message sponsor. A sign permit is an official authorization to place a specific permanent sign on a specific parcel of land in a specific location. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases, or the ownership of sign structures. This provision does not apply to hand-held signs, temporary or portable signs, personally-attended signs, or aspects of personal appearance. This provision does not prevent a sign owner from removing a sign structure from a given location and installing it in another location, so long as all permit requirements applicable to the new location are satisfied and any permits and/or modifications thereof have been approved and issued.

M. Owner's Consent

No sign may be placed on private property without the consent of the legal owner of the property and all persons holding the present right of possession and control thereto. This does not apply to sign placements required by court order or required by law.

N. 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 where 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.

O. Mixed Uses

When both residential and non-residential uses are allowed in a given area, then the signage rights and duties applicable to the residential uses shall be those which would apply if the residence were located in the most nearly similar residential zoning district, and the signage rights and duties for non-residential uses will be those that would apply in the most nearly similar non-residential zoning district.

P. Safety Codes

When a sign qualifies as a "structure" under the Building Code, a building permit shall also be required. Compliance with all applicable safety codes is required of all signs, even if the sign is exempt from the sign permit requirement.

14.68.040 Definitions

The definitions in this section apply to this Chapter, and are to be construed in context.

Address Sign: A sign displaying the official street address of a building or part thereof.

Advertising: In the context of this Chapter, means commercial messages on signs, and does not include noncommercial messages.

Alteration: Any change of size, shape, illumination, position, location, construction or supporting structure of an existing sign. Changes to graphic images or graphic designs are not within this definition.

Animated Sign: Any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene.

Attached Sign: A sign which is affixed to a building or structure. Attached signs include, but are not limited to, wall signs and roof signs, in contrast to freestanding and monument signs.

Awning: A roof-like shelter extending from an exterior wall of a building over a pedestrian or vehicular way and which may or may not project over public property.

Balloon Sign: A non-porous bag or envelope filled with heated air, a gas lighter than air, or air under pressure, that is sixteen (16) inches or more in diameter, and is used for advertising or attention-getting purposes.

Banner Sign: Any cloth, bunting, plastic, paper or similar material used for advertising or to attract attention.

Billboard: A permanent structure sign which meets any one or more of the following criteria: 1) it is used for the display of offsite commercial messages; 2) it is used for general advertising for hire, in contrast to self-promotion; 3) it is not an accessory or auxiliary use serving a principal use on the

same or adjacent or nearby parcel, but rather is a separate or principal use of the parcel; 4) it is a profit center on its own, and in the case of multiple principal uses on the same parcel, the sign is distinct from the main operations of the principal use on the parcel. Signs within an area controlled by a master sign program which display messages pertaining to establishments within the same sign program area are not billboards.

Blade Sign: A sign which hangs from a bracket attached to a building wall at approximately a 90 degree angle to the building wall.

Building Frontage: The length of a building which is parallel to a lot frontage.

Canopy Sign: Any sign attached to a projecting canopy or protruding over a sidewalk.

City: The City of Los Altos, California.

Commercial Districts: The zoning districts designated CN (commercial neighborhood), CD (commercial downtown), CD/R3 (commercial downtown/multiple-family), CRS (commercial retail sales), CRS/OAD (commercial retail sales/office-administrative district) and CT (commercial thoroughfare).

Commercial Mascot: A person or animal attired or decorated with commercial insignia, images or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. Includes sign twirlers and sign clowns.

Commercial Message: An image or message on a sign which primarily concerns the commercial and/or economic interests of the sign sponsor or intended audience, or which proposes a commercial transaction.

Construction Site Sign: A sign displayed on the site of a construction or remodeling project during the period of time of actual construction.

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.

Copy Area: That portion of the display face which is actually occupied by visually communicative elements.

Digital Sign: An electronic sign which displays visible images to the public by means of panels of light emitting diodes, liquid crystal or plasma displays or functionally equivalent technology, and the panels are capable of displaying still images, a series of still images in "slide show" fashion, or images which appear animated or in motion. Such signs are typically programmable and changeable by remote control or automated control devices such as computers.

Directional Sign: A sign which provides location and direction information to pedestrian or vehicular traffic.

Director: The City's Director of Community Development, or city planner designee.

Directory Sign: A sign within a multi-tenant property which identifies tenants.

Display Face: That portion of a sign upon which the visually communicative elements are placed.

District: An area or areas designated on the zoning map and subject to uniform use and development regulations.

Double Faced Sign: A sign with two faces, with each face oriented approximately one hundred and eighty (180) degrees (back to back) from the other.

Erect: In the context of this Chapter, to construct, place, relocate, enlarge, alter, attach, suspend, paint, post, display, hang, or affix one or more signs.

Establishment: Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, stores, warehouses, factories, farms, private schools, churches, hospitals, hotels and motels, offices and libraries, but does not include single family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. This definition does not include nature preserves, open space, raw land, broadcasting towers, or electrical transmission or transformer stations at which persons are not regularly present.

Face Change: A change in the display face of a sign which does not involve any other physical or electrical changes to the sign structure. Channel lettering and slide-in face panels are within this definition.

Flag: A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol.

Freestanding Sign: A sign which is not attached to or supported by another structure, but rather is mounted directly on the ground and provides its own support structure.

Frontage: The property line of a parcel abutting a street or public parking facility, which property line is measured in linear feet. If a parcel has more than one frontage, one of the frontages shall be designated "primary frontage" as indicated herein, and the remaining frontage(s) shall be designated "secondary frontage(s)." On a parcel with more than one frontage, the primary frontage shall be on the same side of the building as the principal or most-traveled customer entrance, or if the customer entrance does not face a street or public parking facility, the primary frontage shall be on the same side of the lot as the access driveway. If an establishment has more than one frontage with a customer entrance, the property owner shall designate one of them the primary frontage. If the customer entrance is located at the corner of a building where two streets, or a street and a public parking facility intersect, and a sign is located above the entrance, the allowed sign area shall be based on the frontage with the lesser dimension.

General Advertising: The commercial enterprise of advertising or promoting other businesses, establishments or causes, in contrast to self-promotion or onsite advertising. Also known as "advertising for hire" and "general advertising for hire." This definition applies even when the sponsored message is noncommercial or promotes a nonprofit cause or institution.

Graphic Design: The overall layout, form, proportion, scale, color, materials, surface treatment, overall sign size and style, character, typography, and size and style of lettering of a sign. Does not include noncommunicative aspects of the sign.

Height: The vertical distance between the average adjacent ground level (for freestanding signs), or the roof level (for roof signs) and the top of the sign, including all superstructure, support and architectural or design elements.

Illegal Sign: Any sign installed without required government approval and/or permits at the time it was placed. The term includes any sign which was erected in conformance with all applicable laws, rules, and regulations in effect at the time of installation, but which was subsequently altered so as to be out of compliance with then-applicable law, including the terms of permits which authorized construction. The term also includes any sign which has been expanded beyond its previous legal, non-conforming size, or when it has been modified in a manner that did not satisfy all legal requirements in effect at the time. All signs described in Business and Professions Code section 5499.1 and defined therein as an “Illegal on-premises advertising display” are also within this definition.

Illuminated Sign: Any electric sign or other sign employing the use of lighting sources (other than natural light or ambient lighting) for the purpose of decorating, outlining, accentuating or brightening the display face or the copy.

Information Sign: A sign providing functional information as a service, direction or courtesy whose information is intended to assist the public. Information signs include but are not limited to the location of public facilities (*e.g.*, store entrances, walk-up windows, self-service operations); and courtesy information (*e.g.*, hours of operation, menus, “credit cards accepted,” “restrooms,” “no solicitors”). Not within this definition: Motor fuel price signs required or regulated by state law, government signs, and signs whose main purpose is advertising.

Legal Non-Conforming Signs: See Chapter 14.66.

Mobile Billboard: A motor vehicle which traverses upon the public road or street for the main purpose of displaying a sign mounted upon, attached to, or towed behind the vehicle, when the image on the sign is not a “vehicle and vessel insignia,” as listed in the exclusions from definition of “sign.”

Motor Fuel Price Signs: Those signs required by Business and Professions Code 13532 *et seq.*

Multi-faced Sign: A sign with more than two (2) faces with each face oriented at less than one hundred eighty (180) degrees from the other.

Name Plate: A sign which identifies a person(s), family, or establishment by name and / or address.

Noncommercial Message: A message displayed on a sign which expresses an idea or point of view on a topic of public debate and concern, including politics, religion, education, art, science, history, and social issues.

Noncommercial Sign: A sign displaying a noncommercial message.

Noncommunicative Aspects: Those aspects of a sign which do not present a visible, communicative image, such as sign size, height, setback, mounting devices, support structures, *etc.*

Office Districts: The office zoning districts designated OA, OAD, OA-1 and OA-4.5.

Offsite Sign: A sign which directs attention to a business, establishment, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such a sign is displayed. The onsite - offsite distinction applies only to commercial messages on signs.

Onsite Sign: A sign advertising the commercial business, accommodation, establishment, services or activities provided on the same premises, or expected or scheduled to be provided at that location in

the near future. In the case of developments subject to a master sign program, all establishments subject to the plan are considered onsite when located within the area to which the plan applies. All establishments within a shopping center are onsite as to any sign(s) also located within that shopping center. As to construction site signs, "onsite" means any message or copy concerning parties involved in the specific construction project, as well as the intended use of the project when complete. The onsite - offsite distinction applies only to commercial messages on signs.

Permanent Sign: A sign which by its physical nature is designed for and suitable for display longer than ninety days; the term includes all signs which qualify as a "structure" in the Building Code.

Person: Any natural person, firm, association, organization, partnership, trust, joint venture, corporation or company, as well as officers and agents thereof.

Portable Sign: Any sign not permanently or firmly attached to the ground or other permanent structure, or a sign designed to be easily transported or moved, including, but not limited to: Signs on trailers or other wheeled devices; A-frames; menu and sandwich board signs; balloons used as signs; and umbrellas used for advertising.

Primary Frontage: See Frontage.

Public Utility Sign: A sign erected by a public utility in or near a public right-of-way or utility easement in fulfillment of the duty to warn or statutory duties.

Protected: A message that is within the protection of the First Amendment to the U.S. Constitution and/or the corresponding provisions of the California Constitution.

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, concerning vacancies and rates, are not within this definition. All signs described in Civil Code 713 are within this definition.

Residential Districts: The single-family and multiple-family residential zoning districts designated R1-10, R1-H, R1-20, R1-40, R3-4.5, R3-5, R3-3, R3-1.8, R3-1, CD-R3, PC and PUD.

Roof Sign: A sign erected on a roof or projecting above the eave of a building or coping of a parapet. A sign erected on top of a canopy, arcade, awning or marquee is a roof sign.

Safety Codes: Those regulatory codes which define and require safe methods of construction or demolition, including but not limited to, the codes for building, electrical, plumbing, grading, demolition, *etc.*

Secondary Frontage: See Frontage.

Shopping Center: Eight or more ground floor retail stores and/or service establishments occupying a minimum of fifty thousand (50,000) square feet total, located on the same parcel and sharing customer parking spaces.

Sign: In general, the public display of a communicative image for the purpose of attracting attention and/or expressing some message, which is visible from an exterior location open to the public. The word includes any visible image which, either directly or indirectly, advertises, informs or identifies persons, businesses, commodities, services or ideas by the display of any communicative image or graphic design. The word "sign" also includes, but is not limited to, all writing, trademarks, graphic

illustrations and lighting primarily directed at facilitating communication, as well as supporting structures. However, notwithstanding the breadth and generality of the foregoing, the following are not within the definition of sign:

- Aerial signs or banners towed behind aircraft;
- Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function;
- Fireworks;
- Foundation stones and cornerstones;
- Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;
- Historical plaques;
- Holiday decorations and cultural observances which are on display in season and which do not include commercial advertising messages;
- Inflatable gymnasiums. Inflatable, temporary, moveable, gymnasium devices commonly used for children's birthday parties, and similar devices; also called "party jumps";
- Interior graphics. Visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof;
- 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;
- Mass transit graphics. Graphic images mounted on duly licensed and authorized public mass transit vehicles that legally pass through the City; taxis;
- Newsracks and newsstands;
- Personal appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, masks, *etc.* (but not including commercial mascots or hand-held signs or sign twirlers);
- Search lights when used as part of a search and rescue or other emergency service operation; this exclusion does not apply to search lights used as attention attracting devices for commercial or special events;
- Shopping carts, golf carts, horse drawn carriages, pedicabs and similar devices; any motorized vehicle which may be legally operated upon a public road is not within this exclusion;
- Symbols embedded in architecture. Symbols of noncommercial 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, religious statuary, *etc.*;
- Vehicle and Vessel Insignia. On street legal vehicles and properly licensed watercraft: License plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (mobile, onsite commercial speech, in contrast to general advertising);
- Vehicles displaying allowable commercial message signs, and parked in public view, with a maximum six (6) square feet of copy area.
- Vending machines, automated intake devices and product dispensing devices which do not display offsite commercial messages or general advertising messages;
- Window displays. The display of merchandise in a store window.

Sign Area: The area of the communicative elements of a sign, the computation rules for which are stated in 14.68.080.A.

Sign Copy: The words, letters and symbols displayed on a sign. Also known as “copy” or “advertising copy.”

Sign Structure: The structural elements of a sign and the supporting structure thereof, other than a building.

Sign Twirler: One or more persons displaying (a) hand-held sign(s) in a manner to attract attention by motion of the sign, such as by twirling, spinning, twisting, tossing, alternating direction, acrobatic moves, group choreography, *etc.*

Street: The surface of and the space above any public street, highway, alley, sidewalk, or other such right-of-way or place over which there is public control of the use or occupancy.

Temporary Sign: Any sign, banner or advertising display, usually constructed of cloth, fabric, wood, paper or other light material with or without a frame, and designed and intended to be displayed for a short period of time, typically less than ninety (90) days.

Traffic Directional Sign: A sign which serves to control or direct traffic, parking and pedestrian movements.

Under-canopy Sign: A sign suspended below a fascia, canopy or awning in a manner that is perpendicular to the building and oriented to pedestrians.

Use: Each legal activity, business or occupancy for which land or a building thereon is actually employed. Also called “land use.”

Visibility Triangle: That triangular shaped portion of a lot located adjacent to the intersection of two streets or a street and an alley. The triangle is formed by first projecting the property lines contiguous with the street to a point of intersection. From that point, two legs of the triangle are measured for a length of thirty (30) feet along the projected property lines. The third leg, or base, is the line connecting the two end points.

Wall Sign: Any sign attached to or erected against a wall, awning, canopy, fascia, or roof of a building or structure, with the exposed face of the sign approximately parallel to and extending no more than twelve (12) inches from the surface of said structure.

Window Sign: A sign which is displayed on or through a window and is intended to be viewed from a street, walkway, parking lot, or pedestrian plaza, any of which is accessible to the public.

14.68.050 Sign Permits; Other Sign-Related Decisions; Appeals

A. Scope

This section applies to all signs which may be erected, maintained or displayed only by a sign permit. The internal review and appeal procedures also apply to any other sign-related decision made by the City, including but not limited to removal orders, revocation of permits, orders to abate, *etc.*

B. Permit Generally Required

It shall be unlawful for any person, firm, or corporation to authorize, erect, construct,

maintain, move, alter, change, place, suspend or attach any sign within the City of Los Altos without first obtaining a sign permit to do so, and paying the appropriate fees prescribed therefore. This rule does not apply to signs which are exempted from the permit requirement by an explicit provision of this Chapter.

C. Compliance

The Director shall require that all signs, sign proposals and permit applications conform to this Chapter. A permit shall be issued for a sign or sign structure only when it complies with the requirements of this Chapter. A sign permit may be issued subject to compliance with permitting requirements imposed by other sources of law, including the safety codes. When the proposed sign will encroach into or project over public right-of-way, City owned property, or property owned by parties other than the applicant, then an encroachment permit or other consent is required. Where there is a conflict between the provision of this Chapter and other applicable regulations, the more restrictive shall apply.

D. Right to Permit or Display

When any sign permit application fully complies with all applicable provisions of this Chapter, and all other applicable laws, rules and regulations, the permit shall be approved and issued within the required time, provided that all application materials are complete and have been submitted in a form sufficient to permit the City to review and act upon such application within said time frame, and are in accordance with the conditions for sign permits as set forth below. In the case of signs which are expressly exempt from the permit requirement, there is a right to erect, display and maintain such signs as are authorized by this Chapter, subject to all applicable rules.

E. Variances

The approval authority for sign permit applications which require or seek a variance shall be the Board of Adjustments. Consideration of a variance may not involve evaluation of graphic design or protected message content. Sign variances are subject to Chapter 14.82.

F. Compatibility Review

In addition to all other requirements of this Chapter, as to all signs subject to the sign permit requirement, the Director shall evaluate the compatibility of a sign structure with its proposed location, using the noncommunicative aspects of the proposed sign. The following criteria may be considered: style or character of existing improvements upon the site and lots adjacent to the site; visual elements such as construction materials, structural design details, the number and spacing of signs in the area; the sign's height, design, and location in relation to its proposed use; the sign's relationship with other nearby signs, other elements of street and site furniture and with adjacent structures; form, proportion, scale, materials, surface treatment, overall sign size; potential effect of the proposed sign on driver and pedestrian safety; potential blocking of view (whole or partial) of a structure or facade or public view of historical or architectural significance; potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks; potential negative impact on visual quality of public spaces, including but not limited to recreation facilities, public squares, plazas, courtyards and the like; and whether the sign will impose an aesthetically foreign or inharmonious element into the existing skyline or local viewscape. Individual signs and master sign programs shall also be consistent with applicable Specific Plans, Design Plans, and/or Design Guidelines for the subject district. Compatibility review is subject to and limited by 14.68.030.K Discretionary Review.

G. Exemptions; Alterations

Signs legally existing prior to the effective date of this Chapter shall be exempt from the sign permit requirement unless a structural alteration is made, or the sign area or any other point of nonconformity is enlarged or expanded. In the case of such structural alterations or expansion, a sign permit is required.

H. Application for a Sign Permit

Any person seeking a permit for a sign, for which a permit is required, shall submit to the Director a written application for such sign permit. The Director shall prepare a sign permit application form and provide it to any person on request. 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. The form may call for attachments to be prepared by the applicant. A sign permit application is complete only when it is accompanied by the appropriate application fee, in an amount set by resolution of the City Council. In the case of after-the-fact permitting ("as built" permit), the otherwise applicable fee shall be doubled.

I. Application Contents

The sign permit application form may call for the following information:

1. Four (4) sets of a fully dimensioned Site Plan (drawn to scale) indicating all property lines, public and private street lines (including center lines), structures, easements, and the location and size (in square feet) of all existing and proposed signs;

Four (4) sets of a fully dimensioned architectural elevation drawing (shown to scale) indicating thereon all sign matter, graphic design elements, materials, and method of illumination, and if required by the Director, a photographic simulation;
2. Name, address, APN (Assessor's Parcel Number) and telephone number of the applicant and, if applicable, the name, address, and telephone number, as well as the license number, if any, of the sign contractor;
3. Address and zoning district of the property where the sign is proposed to be displayed;
4. Existing and proposed sign area of each individual sign and the combined area of all signs (including those already existing or previously permitted) in relation to the maximum allowed sign area;
5. Written evidence of all owners' consents, such as land owner or lessor;
6. A statement as to whether the sign is intended to be used in whole or in part for offsite commercial messages, advertising for hire or general advertising;
7. A statement or graphical description as to whether the proposed sign, or any part of it, is proposed to utilize any of the following physical methods of message presentation: Sound; odor, smoke, fumes or steam; rotating, moving or animated elements; activation by wind or forced air; neon or other fluorescing gases; fluorescent or day-glow type colors; flashing or strobe lighting; light emitting diodes, liquid crystal displays or other video-like methods; digital display technology; use of live animals or living persons as part of the display; mannequins or statuary;

8. A statement as to whether the property or parcel on which the sign is proposed to be erected or displayed, or any currently existing sign thereon, is the subject of any outstanding notice of zoning violation or notice to correct, including whether any such deficiencies are to be remedied by the proposed application;
 9. Photographs of the existing property, parcel and/or building on which the sign is proposed to be erected or displayed;
 10. In the case of any proposed sign which is subject to a discretionary process, such as a variance, conditional use permit, or master sign program, all information required by such process(es);
 11. The Director is authorized to modify the list of information to be provided on a sign permit application; however, additions may be made only after thirty (30) calendar days public notice. The Director is also authorized to request, require or accept application materials, in whole or in part, in computer readable format, and to specify the acceptable formats for such submissions.
- J. **Master Sign Programs**
Permit applications for master sign programs shall include the information listed above.
- K. **Signs Which Are Part of a Larger Project**
When approval is sought for a development that includes one or more signs, then the sign aspects of the proposed development must satisfy the applicable provisions of this Chapter. Such proposals may be reviewed by Architectural and Site Review Committee.
- L. **Multiple Sign Applications**
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 as to each sign.
- M. **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 thirty (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 thirty (30) calendar days, to submit additional information to render the application complete; failure to do so within the thirty (30) calendar day period shall render the application void.
- N. **Disqualification**
No sign permit application will be approved if:
1. There is on the site a sign which is illegal and, at the time of submission of the application, each illegal or non-permitted sign has not been legalized, removed or a cure included in the application;
 2. There is any other existing code violation 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 establishment) which has not been cured at the

time of the application, unless the noncompliance is proposed to be cured as part of the application;

3. The sign application is substantially the same as an application previously denied, unless: (i) twelve (12) months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application;
4. The applicant has not obtained any applicable required use permit or conditional use permit. However, applications for such permits may be processed simultaneously with a sign permit application.

O. Conditional Approval

A sign permit may be approved subject to conditions, so long as fulfillment of such conditions is required or authorized by this Chapter or some other applicable law, rule, regulation or policy.

P. Timely Decision

At each level of review or appeal, the decision shall be rendered in writing within thirty (30) calendar days. The time period begins running when a challenge is received, the application is complete (or is deemed complete because no notice of incompleteness has been given), an amendment is received, or the notice of appeal has been filed, whichever applies. The timely decision requirement may be waived by the applicant or appellant. If a decision is not rendered within the required time, then the application or appeal shall be deemed denied; in the case of an appeal, the lower level decision shall be deemed affirmed.

Q. Permit Denial

When a sign permit application is denied, the denial shall be in writing and sent or delivered to the address shown on the applicant's application form, and shall specify the grounds for denial.

R. Revocation or Cancellation

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.

S. 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.

T. Inspections

Inspection and approval of foundations is required when a sign includes a footing design. The purpose of such inspection is to allow the inspector to verify the size and depth of excavated footing, reinforcement method, *etc.*, and for compliance with all applicable safety codes. All signs subject to building permit require final inspection and approval by the Building Official.

U. Sign-Related Decisions

Challenges to sign-related decisions, other than decisions on a sign permit application, do not require a particular form, but must be in writing, signed by the applicant or challenger, and particularly state the matter challenged and the grounds therefore. Challenges shall be made to the Director.

V. Levels of Review

Except for signs subject to initial review by the Board of Adjustments or Architectural and Site Review Committee, initial review and decisions on all sign permit applications shall be by the Director unless otherwise stated herein. Successive levels of review are, in order: Staff, the Architectural and Site Review Committee and/or Board of Adjustments, the Planning Commission, and the City Council.

W. Appeal

1. Appeals to the Architectural and Site Review Committee. Any action of the Director regarding signs may be appealed by the applicant or any interested party to the Architectural and Site Review Committee. Said appeal shall be in writing, shall state the reasons for the appeal, shall be accompanied by a fee which shall be set by City Council resolution and shall be filed with the City Clerk within fifteen (15) calendar days of the decision. The appeal shall be heard at the next regularly scheduled meeting of the Architectural and Site Review Committee for which the filing deadline has not already lapsed. The applicant shall be responsible for providing additional sets of plans as required by the city planner.

2. Appeals to the City Council. Any action of the Architectural and Site Review Committee or Board of Adjustments may be appealed by the applicant or any interested party to the City Council. Such appeal shall be in writing, shall state the reasons for the appeal, shall be accompanied by a fee which shall be set by City Council resolution, and shall be filed with the City Clerk within fifteen (15) calendar days of the action of the Architectural and Site Review Committee. The appeal shall be heard at the next regularly scheduled meeting of the City Council for which the filing deadline has not already lapsed. The applicant shall be responsible for providing additional sets of plans as required by the City Clerk.

X. Hearing Requirements

The body hearing the appeal shall do so in a duly noticed hearing open to the public, at which evidence is taken and a decision is rendered within thirty (30) calendar days of the hearing. The timely hearing and decision requirements may be waived by the applicant or appellant.

Y. When Appeal Right Arises

The appeal right arises at the earlier of: 1) whenever a written decision is delivered to the applicant, or 2) the time for decision has run without a written decision. In this context, "delivered" means personally delivered, sent by email to an email address provided by the applicant, challenger, or appellant, or placed in the U.S. Mail, whichever occurs first.

Z. Time and Method for Appeal

Any affected person may appeal any sign permit or other sign-related decision to the next level of review, so long as the notice of appeal is delivered to or received by the City Clerk within fifteen (15) calendar days of the decision. If the fifteenth calendar day falls on a day

when City Offices are closed, then the time period is extended until the close of business hours on the next day that City Offices are open. Appeal at any level is begun by filing a written notice of appeal with the City Clerk within fifteen (15) calendar days of the decision, stating with particularity the matter appealed from, and the grounds for the appeal. The body hearing the appeal may uphold the lower decision, grant the appeal, or modify the lower decision.

AA. 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.

BB. Judicial Review

Following final decision by the City Council, or the Council's waiver of review, 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.

CC. Notices

Written notices required within this Chapter shall be deemed given on the earliest of the following: When personally delivered, when publicly posted, or on the day of mailing. Notices are deemed effective when sent to the last known address of the addressee.

14.68.060 Signs Exempt from Sign Permit Requirement

When allowable under the rules for particular zoning districts, the signs described in this section are exempt from the sign permit requirement and do not count toward the otherwise applicable area limit, unless stated otherwise in this section. However, such signs must still satisfy the rules stated in this section, and are still subject to other applicable permit requirements, such as safety codes, or permits required under Chapter 9.26, or the City's "Downtown Outdoor Display Permit Guidelines."

- A. Address signs and name plates which do not exceed two (2) square feet cumulative per lot.
- B. Information signs not exceeding four (4) square feet cumulative per non-residential lot.
- C. Traffic directional signs on non-residential property, not exceeding four (4) square feet, cumulative per lot. Traffic directional signs exceeding four square feet, individually or cumulatively as to any one lot, are subject to a sign permit, but do not reduce the amount of otherwise allowable sign display area.
- D. Changes of copy on changeable image signs, not including digital signs.
- E. Change of display face on permanent signs when there is no accompanying change in the sign's structure.
- F. Directory signs on multi-tenant non-residential uses, not exceeding ten (10) square feet cumulative per lot.
- G. Public utility signs.

- H. Signs Authorized or Required by Law. Signs prescribed, required or authorized by law or any notice posted by a public official in performance of their official duties or pursuant to a valid court order.
- I. Motor fuel price signs, as required by state law, Business and Professions Code 13532 *et seq.*, which shall be limited in size to the minimum necessary to satisfy state law.
- J. Flags, so long as: 1) the total area (measured one side only) does not exceed fifty (50) square feet; 2) the height of any freestanding pole does not exceed the limitation set forth in Section 14.66.240 A; and 3) no commercial messages may be displayed on flags mounted in residential uses or in residential districts; and such flags may be illuminated.

14.68.070 Prohibited Signs

In addition to any signs not conforming to the provisions of this Chapter, the following signs are prohibited:

- A. **Confusing**
Any sign which, by color, shape, location or other means, resembles or conflicts with any traffic control sign or device.
- B. **Obstruction**
Signs located so as to be a traffic visibility obstruction.
- C. **Height**
Signs greater than three (3) feet in height, when located within a visibility triangle, or signs that otherwise create a hazard by obstructing clear views of pedestrians and vehicular traffic.
- D. **Public Facilities**
Signs attached to any tree, utility pole, City street lamp/light pole, traffic sign post, traffic signal, historical marker, or traffic control device, and signs placed on City Property, including City streets, roads, parking areas and public right of ways, except as authorized by Chapter 9.26, or the City's "Downtown Outdoor Display Permit Guidelines."
- E. **Safety Hazard**
Any sign which presents an immediate and significant public safety threat, due to its dangerous construction, manner of display, or location.
- F. **Motion**
Animated signs.
- G. **Audible**
Signs which emit sounds, except in connection with establishments offering drive-up service.
- H. **Fumes**
Signs releasing smoke, fumes, steam, fog, *etc.*
- I. **Home Occupations**
Signs promoting home based occupations, including daycare and group home facilities, on residences located in residential neighborhoods; in mixed-use districts, this prohibition applies only to residential uses.

- J. Upper Floors
On second or higher floors, window signs, unless no other reasonable location is available to display signage for an establishment located entirely above the ground floor.
- K. Search Lights
Search lights when used for commercial advertising purposes.
- L. Vehicle Signs
Mobile billboards, sign trucks, and other motor vehicles used for general advertising for hire; this prohibition also applies when a motor vehicle traverses upon a public street within the City for the primary purpose of displaying a sign or visual message (as opposed to traversing upon a street for transportation purposes), whether the display is commercial or noncommercial in nature, or any combination thereof. This prohibition does not apply to motor vehicles traversing upon a public street for transportation purposes and displaying images that relate to the establishment of which the vehicle is an instrument and is making routine service, pickup and delivery stops.
- M. Parked Advertising
Signs on vehicles parked or waiting on a public street for the primary purpose of displaying a message, whether commercial or noncommercial in nature; this does not apply to vehicles making routine service calls or making routine deliveries or pick-ups.
- N. Streamers
Streamers, balloons, pennants, and similar devices, when used for commercial advertising purposes, unless specifically authorized by this Chapter.
- O. Inflatables
Advertising balloons, blimps, and devices which float or wave in the air as a result of being filled with a lighter than air gas, or activated by wind or accelerated air or gas.
- P. Mascots
Commercial mascots, sign twirlers, sign spinners, sign clowns, *etc.*, when used for commercial advertising purposes.
- Q. A-frames
A-frame type and other portable signs are prohibited in the public right-of-ways, unless otherwise permitted pursuant to Chapter 9.26, or the City's "Downtown Outdoor Display Permit Guidelines."
- R. Billboards and Mobile Billboards
- S. Digital Signs

14.68.080 General Provisions

The following provisions shall apply to all signs unless otherwise stated in this Chapter.

- A. Sign area shall be computed as follows:
 1. The area of a sign shall be computed by means of the smallest geometric shape within which the sign face can be enclosed. For purposes of this Chapter, a geometric shape includes a rectangle, a square, a circle, a triangle or a combination of

these shapes. The sign face includes the portion of a sign that is used for displaying sign copy, together with any frame, color, panel, ornamental molding, or condition which forms an integral part of the sign copy and which is used to differentiate such sign copy from any wall or background against which it is placed. Those portions of the supports, uprights or base of a sign that do not function as a sign shall not be considered as part of the sign face.

2. On double-faced and multi-faced signs, only that face (or faces) visible from any one direction at one time shall be computed in the sign area.
3. When a sign consists of letters or symbols on a wall, awning, canopy, window or such other background surface, the sign area shall be computed as described in subsection (1) of this subsection, unless the letters cover more than fifty (50) percent of the background surface, in which case, the sign area shall be computed on the area of the background surface.
4. In the case of a statuary sign or a sign device which has communicative elements on more than two visual planes, area is calculated by a photograph or other flat surface image of the sign, taken from an angle which produces the maximum area on the flat surface, and then calculating the area of that profile.

14.68.90 Permanent Signs in Commercial and Office Districts

A. Multiple Frontages

For parcels having frontage on more than one street or a public parking facility, signage shall be allowed on each frontage in accordance with district standards, except as follows:

1. The allowed sign area on a secondary frontage shall not exceed the allowed sign area on a primary frontage.
2. On a corner lot, the signage on a secondary street frontage, which frontage shall intersect with the primary frontage, shall be limited to two-thirds of the sign area allowed on the primary frontage; provided, however, if the length of the primary frontage exceeds the length of the intersecting secondary frontage, the sign area allowed on the intersecting secondary frontage shall be based on the district standard and multiplied by two-thirds.
3. The signs on each frontage shall be separated by a minimum of fifteen (15) feet which shall be measured at the perimeter of the building.
4. On parcels with frontage on Foothill Expressway, no signage facing Foothill Expressway shall be allowed except in accordance with a master sign program which has been approved by the City.

B. Illuminated Signs

No sign shall be illuminated so that the primary source of light causes excessive glare. Only signs located in commercial and office districts may be internally illuminated except that in the OA-1 District on Altos Oaks Drive, internally illuminated signs are prohibited.

C. Neon and Other Fluorescing Gases

Exposed tube neon signs shall not exceed two (2) square feet per lot or establishment.

14.68.100 Permanent Signs in Certain Commercial Districts

Unless otherwise provided by this Chapter, the following standards shall apply in the CN, CD, CD/R3, CRS, and CRS/OAD Districts.

- A. **Permanent Sign Area – Single Occupant Parcels**
On parcels with primary frontage of twenty-five (25) feet or less, signs shall be allowed with a total area not to exceed twenty-five (25) square feet. On parcels with primary frontage over twenty-five (25) feet, signs shall be allowed with a total area of not more than three-fourths of a square foot for each one foot of primary lot frontage with a minimum of twenty-five (25) square feet and a maximum of one hundred (100) square feet.
- B. **Permanent Sign Area – Multiple Occupant Parcels Other than Shopping Centers**
On parcels with a primary frontage of fifty (50) feet or less, signs shall be allowed with a total area not to exceed fifty (50) square feet, and no individual establishment shall be allowed more than twenty-five (25) square feet of sign area. On parcels with a primary frontage of more than fifty (50) feet, each establishment shall be allowed sign area not to exceed three-fourths of a square foot for each one (1) foot of building frontage occupied; however, each establishment shall be allowed a minimum of fifteen (15) square feet of sign area, but in no event shall the total area of signs exceed one hundred (100) square feet.
- C. **Sign Area – Shopping Centers**
A master sign program (see Section 14.68.130 for regulations) is required for each shopping center. The master sign program shall specify the sign area allowed in accordance with the following guidelines:
1. **Freestanding Signs – Shopping Centers**
One freestanding sign shall be allowed on the primary frontage and one freestanding sign shall be allowed on each secondary frontage. The maximum sign area on the primary frontage shall be one hundred fifty (150) square feet, and the maximum sign area on each secondary frontage shall be seventy-five (75) square feet.
 2. **Attached Signs – Shopping Centers**
Attached signs shall be allowed for each tenant not to exceed one (1) square foot of sign area for each one (1) foot of building frontage occupied; provided, however, each tenant shall be allowed a minimum of fifteen (15) square feet of sign area and a maximum of thirty (30) square feet of sign area. If a tenant occupies a corner space, the sign area allowed shall apply to each frontage, provided the signs are separated by a minimum of fifteen (15) feet which shall be measured at the perimeter of the building.
 3. **Under-canopy signs – Shopping Centers**
Each tenant shall be allowed an under-canopy sign not to exceed four (4) square feet in area.
 4. **Window Signs – Shopping Centers**
The maximum signage allowed on windows (both permanent and temporary) shall not exceed forty (40) percent. At least sixty (60) percent of the window glazing area must be unobstructed at all times. Second floor window signs are prohibited unless no other reasonable location is available to display signage.

- D. **Height**
 Freestanding signs shall not exceed thirty (30) feet in height for a shopping center and ten (10) feet in all other cases. Signs attached to the building shall not project above the highest portion of the building and shall not be allowed on the roof unless no other reasonable location is available, in which case the height of the sign shall not exceed the roof line. Roof mounted signs may not exceed the height limit applicable to that district.
- E. **Projection**
 When allowed by Chapter 9.26, or the City's "Downtown Outdoor Display Permit Guidelines" an awning sign, a wall sign or a blade sign may project over the public right-of-way, subject to the following rules on projection and clearance (projection is measured on a line perpendicular to the wall):
1. **Awning**
 Projection only over a public sidewalk, maximum projection four (4) feet, minimum clearance eight (8) feet.
 2. **Wall signs**
 Maximum projection over public right-of-way – twelve (12) inches.
 3. **Blade signs**
 Projection over a public sidewalk only, maximum area two hundred and forty (240) square inches; maximum projection from building thirty-six (36) inches but in no case shall the sign project more than two-thirds of the distance from the building to the curb; minimum distance between sign and building six (6) inches; maximum height ten (10) feet; angle to building ninety (90) degrees; special illumination prohibited.
- F. **Clearance**
 All signs which project over a public or private walkway shall have a minimum clearance of eight (8) feet, and all signs which project over a driveway or street shall have minimum clearance of fourteen (14) feet.

14.68.110 Permanent Signs in CT Commercial Districts

Unless otherwise provided by this Chapter, the following standards shall apply in the CT Districts.

- A. **Sign Area – Single and Multiple Occupant Parcels Other than Shopping Centers**
 One freestanding sign shall be allowed with an area of not more than one (1) square foot for each one (1) foot of lot frontage up to a maximum of one hundred (100) square feet, plus additional identification signs attached to the building with an area not to exceed three-fourths of a square foot for each one (1) foot of building frontage up to a maximum of one hundred (100) square feet. In this zone, the area of a double-sided freestanding sign is measured on one side only.
- B. **Sign Area – Shopping Centers**
 See Section 14.68.100(C).
- C. **Height**
 Freestanding signs shall not exceed thirty (30) feet in height for a shopping center and ten (10) feet in height in all other cases. Signs attached to the building shall not project above the highest portion of the building and shall not be allowed on the roof unless no other

reasonable location is available, in which case the height of the sign shall not exceed the roof line. Roof mounted signs may not exceed the height limit applicable to that district.

- D. **Projection**
Unless otherwise specified by this Chapter, no sign shall project over the public right-of-way, and then only when authorized by Chapter 9.26, or the City's "Downtown Outdoor Display Permit Guidelines."
- E. **Clearance**
All signs which project over a walkway shall have a minimum clearance of eight (8) feet, and all signs which project over a driveway or street shall have a minimum clearance of fourteen (14) feet.

14.68.120 Permanent Signs in Office Districts

Unless otherwise provided by this Chapter, the following standards shall apply in the Office Districts.

- A. **Permanent Sign Area**
In all office districts except the OA-1 District on Altos Oaks Drive, each parcel may display a maximum of forty (40) square feet of sign area. In the OA-1 District on Altos Oaks Drive, each parcel shall be allowed a maximum of twenty-five (25) square feet of permanent sign area. Information signs, traffic directional signs and flags do not count toward this total, but may be subject to their own category limits.
- B. **Height :**
In all office districts except the OA-1 District on Altos Oaks Drive, no sign shall exceed ten (10) feet in height. In the OA-1 District on Altos Oaks Drive no sign shall exceed eight (8) feet in height. No roof signs shall be permitted, and signs attached to the building shall not project above the highest portion of the building.
- C. **Projection**
No sign shall project over the public right-of-way or a property line.
- D. **Clearance**
When allowed by Chapter 9.26, or the City's "Downtown Outdoor Display Permit Guidelines" all signs which project over walkways must have a minimum clearance of eight (8) feet, and all signs which project over driveways must have a minimum clearance of fourteen (14) feet.
- E. **Information Signs**
Information signs may not exceed four (4) square feet, cumulative, on any parcel, lot or establishment.
- F. **Traffic Directional Signs on Private Property**
Each such sign shall not exceed four (4) square feet in area, and if located within ten (10) feet of a public right-of-way, shall not exceed three (3) feet in height.

14.68.130 Master Sign Programs

A master sign program shall be required for all multiple tenant, non-residential projects and buildings. The purpose of a master sign program is to achieve visual harmony and a consistent image theme in establishment identification.

- A. **Application**
Application for a master sign program shall be made to the Director, by providing the information required for a sign permit, and in addition, graphical samples of the visual theme of the program. The program will call for individual signs to relate to one another by incorporating at least three common elements. Such elements may include size, shape, material, color, location, illumination, letter style, or letter size.
- B. **Area**
The total sign area allowed under a master sign program may be distributed other than specified in this Chapter.
- C. **Compliance**
After approval of a master sign program, all signs installed on the premises must conform to the program; however, a master sign program cannot be used to limit graphic design on a sign displaying protected noncommercial speech. A master sign program may be amended by filing an application for amendment or for a new master sign program.
- D. **Multiple Occupant Projects**
For multiple occupant projects existing prior to the requirement for a master sign program, such program shall be established at the time the first modification of an existing sign is proposed which requires the replacement or alteration (other than a face change), of an existing sign on the premises. Thereafter, any replacement or alteration (other than a face change), of any sign within the project shall be in compliance with this section and the approved sign program.

14.68.140 Temporary Signs in Commercial and Office Districts

The signs described in this section are exempt from the sign permit requirement and count only toward the sign area limit applicable to temporary signs under the district rules. However, such signs must still satisfy the rules stated in this section, and are still subject to other applicable permit requirements, such as safety code permits. The maximum area for all temporary signs authorized by this section, for each lot, parcel or establishment, by zoning district is as follows:

- A. **Temporary commercial window signs:**
 - 1. Fifteen (15) percent of window area, except;
 - 2. Buildings with more than twenty thousand (20,000) square feet of interior floor space are allowed up to twenty five (25) percent of window area;
 - 3. The maximum signage allowed on windows (both permanent and temporary) shall not exceed forty (40) percent. At least sixty (60) percent of the window glazing area must be unobstructed at all times.
- B. **Temporary noncommercial signs:**
In addition to the allowances contained in subsection A, temporary noncommercial

messages may also be freestanding but shall not exceed twelve (12) square feet or six (6) feet in height.

- C. Construction site signs not exceeding twenty (20) square feet in display face or ten (10) feet in height; such signs may be displayed only after the issuance of a building permit for the construction project and shall be removed prior to final inspection of the construction project; such signs shall not be specially illuminated.
- D. Real Estate signs not exceeding six (6) square feet in copy area or ten (10) feet in height; maximum one per lot; such signs may be displayed only during the time that the property is on the market; such signs shall not be specially illuminated. Attached signs shall not project above the eave of the roof or the top of the parapet.
- E. Banners and decorative flags not exceeding one-fourth of a square foot for each one foot of primary building frontage occupied, with a maximum of forty(40) square feet may be displayed not more than ninety (90) calendar days in a calendar year, such days need not be consecutive.
- F. Temporary signs shall not be used to display offsite commercial messages or general advertising for hire.

14.68.150 Permanent and Temporary Signs in Residential and Public and Community Facilities Districts, and Residential Uses in Mixed Use Districts

The rules in this section apply to all signs displayed in residential districts and PCF districts and residential uses in Mixed Use Districts. Unless otherwise stated, signs allowed by this section are not subject to a sign permit, but are subject to applicable safety code permits. Signs subject to this section may not be specially illuminated. Lots whereon a dwelling unit is being built or repaired or remodeled shall be treated as a dwelling unit, even if certificates of completion or occupancy have not yet been issued.

A. Individual Dwelling Units

Each separate residential dwelling unit, whether in attached multi-family, detached single family, town home, condominium, or apartment type structures, is allowed a display area of twelve (12) square feet at all times; however, this cumulative area limit does not include name plates, address signs, or flags. This display area may be used for any protected noncommercial speech, garage sale (onsite or offsite with owner's consent), real estate signs (onsite or offsite with owner's consent) and construction site signs, subject to:

1. Residential signs may be freestanding or attached to walls, windows, doors, or fences, but may not be attached to trees, bushes or living plants. If freestanding, residential sign structures may not exceed six (6) feet in height.
2. Real estate sign structures may not exceed four (4) square feet in area or six (6) feet in height; maximum one (1) real estate sign per lot, parcel or dwelling unit.
3. Garage sale signs may be displayed only on the day of the event of the sale; each garage sale sign may not exceed two (2) square feet in area.

B. Construction Signs

In addition to the allowances contained in subsection A, construction site sign structures may not exceed twenty (20) square feet in area or ten (10) feet in height, and may be on

display only after all necessary permits have been issued and must be removed within fifteen (15) calendar days after the construction project is complete and/or a certificate of occupancy has been issued.

C. Master Unit

In addition to the signs allowed to individual dwelling units, the office or master unit of multi-family residential uses in the R3 Districts are allowed one (1) sign not to exceed fifteen (15) square feet in area and six (6) feet in height. Such sign is subject to a sign permit.

D. Public Uses

Public, quasi-public and PCF uses such as churches, libraries and public utility buildings may display one (1) sign not exceeding twenty (20) square feet in area and six (6) feet in height, and such signs may be illuminated.

E. Nonconforming Commercial

Nonconforming commercial uses in residential districts may not add new display area, but may replace existing, legal sign area with new structures which do not increase the display area or any other factor of nonconformity. Such structural replacement is subject to a sign permit.

F. Projection and Encroachment

Unless otherwise specified by this Chapter or Chapter 9.26, or the City's "Downtown Outdoor Display Permit Guidelines" no sign subject to this section shall project over the public right-of-way or over any property line.

G. Clearance

When allowed by Chapter 9.26, or the City's "Downtown Outdoor Display Permit Guidelines" all signs which project over public walkways must have a minimum clearance of eight (8) feet, and all signs which project over driveways must have a minimum clearance of fourteen (14) feet.

H. New Subdivisions

One (1) sign not to exceed twenty (20) square feet may be placed on property during its course of development as a subdivision. The permit shall be valid for a period of six (6) months and may be renewed for additional six (6) month periods, but in no case shall renewal of the permit be allowed to extend beyond the period of subdivision development.

14.68.160 Construction and Maintenance of Signs

All signs shall be constructed and maintained in accordance with this Section.

A. Safety Codes

Each sign which qualifies as a "structure" under the Building Code shall comply in all material respects with the terms of Title 12 of this code.

B. Electrical

All electric wiring raceways, conductors, conduit, transformers, and other utilities, equipment, braces and fixtures and appurtenant to signs shall be concealed in a manner consistent with Title 12 and other requirements of this code.

- C. **Undergrounding**
All electrical, gas or other utility service wires, pipes, conduits and other pertinent fixtures serving signs detached from buildings shall be placed underground.
- D. **Exits**
No sign shall be erected so as to obstruct any fire escape, required exit, window or door opening. No sign shall be attached in any manner which will interfere with an opening required for ventilation, except in circumstances when not in violation of the building or fire prevention codes.
- E. **Suspension**
No sign other than a flag or similar object shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
- F. **Maintenance**
Each sign shall be maintained in a safe, unbroken, structurally sound manner.
- G. **Repairs**
Damaged or missing sign faces shall be repaired or replaced.
- H. **Abandonment**
Each sign structure that shall become abandoned or each sign and its supporting structure that shall become obsolete; that is, no longer used to advertise an establishment, business, service, use, or other item not related to the actual business, services, uses, products, *etc.* offered on the premises, shall be removed within ninety (90) calendar days of written notice from the City directing that it shall be so removed.

14.68.170 Nonconforming Signs

Following the effective date of the ordinance codified in this Chapter, this Chapter shall apply to the following categories of nonconforming signs.

- A. **Non-compliance**
Any sign erected without first complying with all provisions of this Chapter or other law in effect at that time the sign was erected.
- B. **Damaged**
Any sign which has been destroyed or damaged, other than by destruction or damage to its sign face(s), to an extent greater than fifty (50) percent of its in-place replacement cost;
- C. **Modification**
Any sign which is modified or any sign which is affected by the expansion or enlargement of the building or land use with which the sign is associated. "Modified" shall mean any change other than a face change or color of the sign structure. "Affected" shall mean any temporary or permanent change in the location or appearance of a sign, excluding sign face changes.
- D. **Discretionary Land Uses**
Any sign associated with a land use for which a discretionary land use permit is granted by the Planning Commission or City Council. Legal nonconforming signs may be required to

conform to current sign standards whenever the associated land use requires a new or modified discretionary land use permit.

- E. Any Temporary Sign that does not comply with Section 14.68.140 or any other application rules and regulations.
- F. Unsafe
Any sign which is or may become a hazard to the public or is unsafe.

14.68.180 Enforcement, Abatement and Removal of Signs

- A. Responsible Parties
As used in this section, “responsible parties” includes all persons described in the “responsibility for compliance” subsection of the Basic Principles section, above, Section 14.68.030.N.
- B. Nuisance Per Se
All violations of this Chapter are declared to be public nuisances which may be abated as such, using any procedure provided by law, including but not limited to Business and Professions Code 5499.1 *et seq.*, or state law on abatement of public nuisances, or as otherwise provided by law. Remedies may be sought by administrative, civil, or criminal process, as authorized by law. Remedies may include declaratory and injunctive relief, administrative and civil penalties, and criminal liability.
- C. Cumulative Remedies
The provisions of this section are alternative and additional remedies for the enforcement of this Chapter. Nothing in this section shall preclude the City from enforcing the provisions of this Chapter by any other criminal or civil proceeding.
- D. Notice of Violation; Hearing on Request
Whenever any permanent sign or part thereof, other than immediate threats to public safety, constitutes an illegal sign and/or is erected or maintained in violation of this Chapter, the Director shall give written notice to all Responsible Parties to remove the sign or to bring it into compliance. The notice shall specify the nature of the violation, order the cessation thereof, require the cure of violation or removal of the sign by a specific date, and advise the permittee, owner or person in charge of the sign of the hearing rights established by Chapter 1.12 of the Municipal Code.
- E. Removal of Permanent Signs
The Director is authorized to order the removal or to remove any permanent sign or sign structure violating the provisions of this Chapter, or which is illegal under this Chapter, following the notice described in the preceding subsection. If said Responsible Persons fail to cure within the fifteen (15) day period, then the Director is authorized summarily to remove the illegal sign(s), either by the City’s own crew or under contract with a private party. Signs removed in such manner shall be stored by the City for thirty (30) calendar days, in which time the sign owner or Responsible Parties may redeem the sign by reimbursing the City for its actual cost of removal or abatement.
 - 1. Safety Threat
In cases when a sign presents an immediate and significant threat to the public

safety, by virtue of its physical condition, then any such sign may be summarily removed and abated by the City.

2. Notice

When the City removes signs under this section, thirty (30) day written notice of such removal, including a bill for the City's cost of removal, shall be given to all responsible parties. During that thirty (30) calendar day period, the City shall store the removed signs. During that thirty (30) day storage time, the sign owner may redeem the sign by paying the City's actual cost in removing the sign. In the event that the sign owner does not redeem the sign, then the City may dispose of it in any manner deemed appropriate by the City. If a removed sign is not redeemed within the thirty (30) calendar day period, said cost shall be imposed as a lien upon the real property where such signs had been located. Such liens shall be collectable by inclusion thereof on the real property tax assessment roll.

F. Removal of Temporary Signs

Whenever a temporary sign has been erected or maintained in violation of the provisions of this Chapter, the Director shall give written notice to remove the sign to the permittee, owner or person in charge of the sign and all other potentially responsible persons. The notice shall specify the nature of the violation, order the cessation thereof, require the removal of the sign within seventy-two (72) hours of the time of the notice, and advise the permittee of the hearing rights established by this section. Before the expiration of the seventy-two (72) hour period, the permittee, owner or person in charge of the sign shall remove the sign or may request a hearing. The request shall be in writing and filed with, the Director. The hearing shall be held by the Director or his designee within seventy-two (72) hours of the day the request is filed, or the next business day following seventy-two (72) hours from the filing of the request, whichever is sooner. The person issuing the notice to remove shall not be designated as the hearing officer. The hearing shall be limited to whether the sign was erected or is maintained in violation of this Chapter. Notice of the time of the hearing may be given in writing, telephone or other form of communication. After the hearing, the order to remove may be affirmed, altered or revoked. The decision of the hearing officer shall be made in writing, with reasons stated. If the permittee, owner or person in charge of the sign fails to comply with the notice to remove or the decision of the hearing officer, the Director may remove or cause the removal of the sign. The expense of the removal shall be charged to the permittee, owner or person in charge of the sign. Such amount shall constitute a debt owed to the City. No permit for a temporary sign shall thereafter be issued to any permittee, owner or person in charge of a sign who fails to pay such costs. Any costs, including attorney's fees, incurred by the City and collection of the costs shall be added to the amount of the debt.

14.68.190 Severance

This Chapter is to be severable to the greatest extent provided by law. If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid or unconstitutional or unenforceable by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the City Council affirmatively declares that if it had been made aware of any invalid provision(s), it would have approved and adopted the remaining provisions, and that it desires for all valid provisions to remain in force."

SECTION 3. REPEAL OF PRIOR ORDINANCES.

On the effective date of this Ordinance No. 10-___, Ordinance No. 10-352 adopted June 22, 2010, Sections 2, 3, 4, 5 and 6, pertaining to Los Altos Municipal Code Chapter 11.04, Sections 11.04.010 through 11.04.013 entitled "Signs" have been superseded by this Ordinance No. 10-___, and are hereby repealed in their entirety and will be of no further force and effect.

Ordinance No. 10-352 adopted June 22, 2010, Section 1, pertaining to Los Altos Municipal Code Sections 11.04.010 and 11.04.310 entitled "Signs relating to elections" remain repealed in their entirety and are of no further force and effect.

SECTION 4. PUBLICATION. This Ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the date the adopted Ordinance is attested by the City Clerk.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on November 9, 2010 and was thereafter, at a regular meeting held on November 23, 2010 passed and adopted by the following vote:

AYES: SATTERLEE, CARPENTER, PACKARD, BECKER, CASAS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



David C. Casas, MAYOR

Attest:


Susan Kitchens, CITY CLERK

Date: November 30, 2010