

CHAPTER 19.44**SIGN CODE**

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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) Scope. This chapter regulates signs, as defined herein, which are within the legal corporate limits of the city, but not on city property 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 regulated by Chapter 9.58. This chapter does not regulate signs used in conjunction with parades, demonstrations or public assemblies, which are covered by Chapter 9.45 (Special Event Permits).

(a)(b) 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)(c) 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.

(e)(d) 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)~~(e) Enforcement Authority. The director is authorized and directed to administer and enforce this chapter.

~~(e)~~(f) 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)~~(g) 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.

(h) 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.

~~(g)~~ —

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 P-F, C-1, C-2, C-3, C-4 and O, and DSP Blocks 1, 2, 3 20 and 21.

(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) Directional sign. A sign that serves to control traffic, parking or pedestrian movements on private property, and that is located entirely on the property to which it pertains.

~~(13)~~(14) Director. Director of community development or designee.

~~(14)~~(15) 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.”

(16) Election Period. See Pre-election Period.

~~(15)~~(17) 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)~~(18) 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)~~(19) 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)~~(20) 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)~~(21) Flag. A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol.
- ~~(20)~~(22) 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)~~(23) Gas Station pump island. The area of a gas station in which the fuel pump islands are located.
- ~~(22)~~(24) 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)~~(25) Government sign. Signs installed by government or public utilities, including school districts.
- ~~(24)~~(26) Ground sign. Any sign which is self-supporting in a fixed location and not attached to a building.
- ~~(25)~~(27) 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)~~(28) Industrial Districts. Industrial districts are M-S, M-3 and the Moffett Park Districts.
- ~~(27)~~(29) 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)~~(30) Large inflatable object. An object that is used for attention-getting or advertising purposes, inflated with air that exceeds fourteen inches in any dimension.
- ~~(29)~~(31) Logo. A distinctive graphic symbol identifying a use, product or company. Logos may include lettering.
- ~~(30)~~(32) 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)~~(33) Moving signs. Any sign that rotates, changes, or has other visible mechanical movement, not including electronic message centers.
- ~~(32)~~(34) Mixed Use Districts. Mixed use districts are DSP Blocks 1a and 20, any property with a MU (Mixed Use) combining district and all mixed-use specific plans.
- ~~(33)~~(35) 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.
- ~~(34)~~(36) Office Districts. See Commercial and Office Districts.
- ~~(35)~~(37) Onsite sign. A sign that is located on the same premises as the establishment advertised on the sign.
- ~~(36)~~(38) 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.

~~(37)~~(39) 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.

~~(38)~~(40) Pre-Election Period. That period of time which begins ninety days before, and ends ten days after any primary, general or special election in which voters in Sunnyvale may vote.

~~(39)~~(41) Readerboard sign. A sign that allows for the message to be changed by manual means, such as channel lettering or adhesive lettering.

~~(40)~~(42) 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.

~~(41)~~(43) Regional retail. Any property zoned C-2/ECR or in DSP Block 1a, 18 or 22.

~~(42)~~(44) 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 4, 5, 6, 7, 8a, 8b, 9, 9a, 10, 11, 12, 13, 14, 15, 16, 17 and 23.

~~(43)~~(45) Residential name plate. A sign used to identify a residential person, family, or a home-based business (home occupation).

~~(44)~~(46) 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.

~~(45)~~(47) 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.

~~(46)~~(48) 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.

~~(47)~~(49) 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.

~~(48)~~(50) 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.

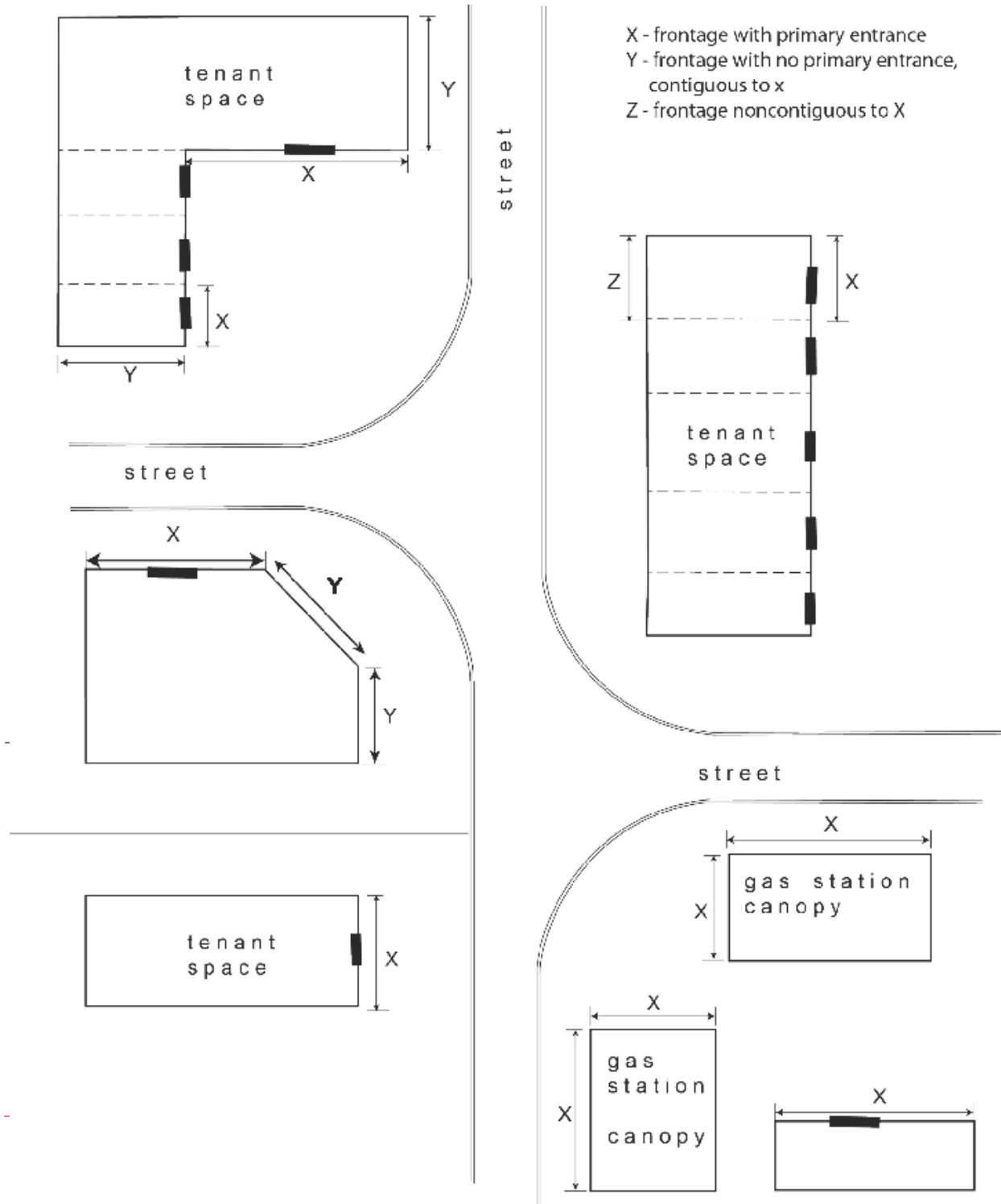
~~(49)~~(51) Wall sign. A permanent sign that is attached to the exterior of a wall, including fin signs, awnings or canopies. Under-canopy signs are not within this definition.

~~(50)~~(52) Warning sign. A sign that warns of danger, such as “no trespassing” or “beware of dog” or “danger high voltage.”

~~(51)~~(53) 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.

~~(52)~~(54) Wind Activated sign. A sign with physical motion that is activated by wind or forced air.

~~(53)~~(55) 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

19.44.050 Signs ~~e~~Exempt from sign pPermitting requirement.

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)~~ Window signs. Window signs limited to twenty-five percent of the total window area per facade, per tenant space.
- ~~(e)~~(e) Residential Open House Signs. A residential open house directional sign may be placed on private property 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 three and one half feet in height as measured from the ground immediately adjacent to the sign, and four 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. Open house directional signs may be placed in the public right-of-way only as authorized by Section 9.58.440080.
- ~~(d)~~(f) 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 forty square feet per sign face, with eighty square feet total;
 - ~~(3)~~ The maximum ground sign height is ten feet;
 - ~~(3)~~(4) The sign is not located in the public right-of-way;
 - ~~(4)~~(5) Any banner shall be limited to sixty square feet and must be stretched taut and secured against the building, fence or wall and not attached to landscaping; and
 - ~~(5)~~(6) Sign must be removed within ten days after the property is no longer for lease or sale or within sixty 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)~~(g) 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 provided the sign meets all of the following requirements ~~are met; namely, that the sign~~:
 - (1) Is oriented to on-site vehicles and pedestrians;
 - (2) Does not exceed twenty square feet in area per sign face;
 - (3) Does not exceed five feet in height;
 - (4) Is set back a minimum of twenty feet from the public right-of-way.
- ~~(h)~~ Information signs. Information signs shall not exceed sixteen square feet sign area.
- ~~(i)~~ Flags displaying non-commercial images or messages. Limited to three per property. Examples of non-commercial flags include the American flag or State of California flag. The top of the flag must not exceed twenty feet in residential zoning districts, as measured from the ground. Flag height is limited to thirty feet in all other zoning districts. Flag poles are included in the total height restriction. The maximum lateral dimension of the flag is limited to twenty-five percent of the height of the pole or other structure to which it is affixed.

(j) Directional signs may be installed without a sign permit providing the sign meets all of the following requirements:

- (1) It is located on the property to which it pertains,
- (2) Does not in any way advertise a business,
- (3) Does not exceed four square feet in area, and
- (4) Does not exceed five feet in height as measured from the ground immediately adjacent to the sign.

(k) 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 two square feet in area.

~~(g)~~(l) Traffic signs. Shall be located on the property to which it pertains, shall not exceed four feet in area, and shall not exceed five feet in height as measured from the ground immediately adjacent to the sign.

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 ~~sign~~ permit requirement.

19.44.080 Building permit required in certain instances.

A building permit as required by ~~Title~~Chapter 16 may be required for freestanding signs and flag poles qualifying as structures under the building code, ~~and~~ any signs permanently mounted or fastened to a building, ~~or~~ ~~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 sign 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 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, T~~the number and size of permanent and temporary signs allowed are described in Sections 19.44.160 (Permanent signs in nonresidential zoning districts), ~~and~~ Section 19.44.170 (Permanent signs in residential zoning districts), and Section 19.44.050 (Signs exempt from sign permit requirements). ~~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) Application of Requirements Governed by Use of Property. Legal residential uses in nonresidential zoning districts shall be governed by the provisions of this chapter that apply to residential zoning districts. Legal nonresidential uses in residential zoning districts (other than home occupations) shall be governed by the provisions of this chapter that apply to nonresidential zoning districts. In the case of mixed-use parcels where both residential and nonresidential uses are allowed, the residential uses shall be subject to the provisions of this chapter that apply to residential zoning districts, and the nonresidential uses shall be subject to the provisions of this chapter that apply to nonresidential zoning districts.

(c) 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.

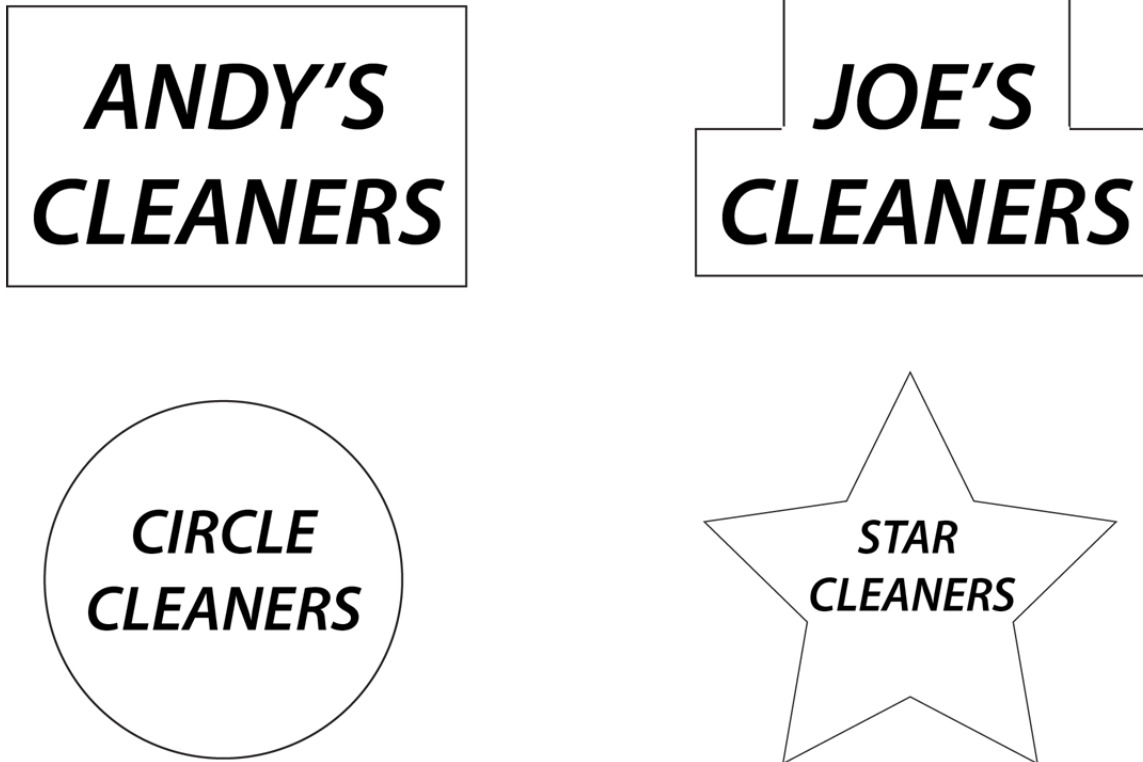
~~(4)(2) If both residential and nonresidential uses are allowed or in place, then the residential portion of the development is subject to the requirements for residential uses, and the nonresidential portion is subject to the requirements for the most restrictive abutting nonresidential zoning district.~~

~~(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 as authorized by Section 9.58.100. 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 horizontal clearance between any part of the sign structure and the property line shall be one foot. For ground and fin signs over sidewalks and driveways, the minimum clearance between the lowest point of the sign and grade immediately below must be eight feet for pedestrian areas and fifteen feet for vehicular clearance. ~~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 feet.~~

- (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 meet the following setbacks from fire hydrants and fire hose connections:
 - i. Front and side setbacks: fifteen feet.
 - ii. Side setback: three 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.
 - (d) 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.



- (e) Logos. Logos may be detached from other sign copy and are counted towards sign area but shall not be included in calculations of copy height.
- (f) 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 twenty-five square feet regardless of building frontage.

B. Fin Signs. Fin signs must not project more than four 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 one hundred fifty 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) Awning and canopy signs. Awning and canopy signs may be attached to or painted on the vertical edges of awnings, canopies, arcades, or similar features or structures in non-residential and multi-family residential zones in accordance with the following standards:

A. Height. Maximum twelve feet.

B. Clearance between sidewalk and bottom of awning or canopy. Minimum eight feet.

C. Clearance between canopy and curb. Minimum two feet.

D. Illumination. None allowed.

~~(2)~~(3) 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)~~(4) Ground Signs.

A. Shape and Location. Ground signs must be set back at least one 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 six inches and maximum of two feet in height. Address numbers on a ground sign must be located between ~~two~~four to fifteen feet from the ground.

~~(4)~~(5) 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 sixty square feet and a maximum height of thirty feet in height, as measured from the ground level and including the pole. Maximum lateral dimension of the flag is twenty five 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 fifteen square feet and the maximum height is twenty feet, as measured from the ground and including the pole. Maximum lateral dimension is twenty five percent of the total height of the pole or structure.

(g) 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.

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

(i) Illumination. Permanent 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 bulb or other primary source of the light is visible beyond the property line or in any way will cause excessive glare or brightness. Wall signs on side or rear elevations within one hundred fifty feet from any residential zoning district may be illuminated only from 7:00 a.m. to 10:00 pm. 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-or~~ 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 nonresidential 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 thirty feet in height and up to one hundred square feet per sign face, or two hundred square feet for both sides.

C. Wall Signs. Wall signs on the tenant frontage parallel to the freeway are allowed an additional one hundred fifty 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 four square feet.

(4) Readerboard Signs. Readerboard signs are allowed only in conjunction with places of assembly and theater uses and shall be included in calculations of the area and height of signs, and shall conform to those regulations.

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. <u>Buildings over 100 feet tall may have a maximum copy height of 60 in.</u>
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
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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 are limited to 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 – Nonresidential zoning districts.

The following regulations apply to temporary signs in nonresidential zoning districts, except as qualified by Section 19.44.150(b). Display time for temporary signs is limited to a total of one hundred twenty days in a calendar year, unless otherwise specified in this code.

(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~~ One banner or a collection of pennants or ribbons are each considered one temporary sign. Two such signs per tenant are allowed at one time, except for shopping centers with two or more tenants may have up to four 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 sixty square feet 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. No more than one large inflatable object is allowed on site at a time. If ground mounted, large inflatable objects shall not exceed ten feet in height. If roof mounted, such signs shall not exceed ten feet above building height. May not be located within required parking areas, landscaping or walkway areas. Display time: a maximum of ten 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 up to ninety days or until the permanent sign is installed, whichever is ~~shorter~~ less.

(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 three floors of the building and cannot include any movement or animation. Display time for building wrap signs is limited to a total maximum of one hundred twenty days in a calendar year.

(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.

(2) 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.

~~(3) Window signs. Window signs are limited to 25 percent of the total window area per façade, per tenant space.~~

~~(4)~~ (3) Portable Signs. Portable signs of up to eight square feet in area are allowed with the following restrictions:

(A) The ~~s~~Sign is oriented to on-site vehicles and pedestrians;

(B) Only one portable sign is permitted per tenant space;

(C) Portable signs cannot exceed three and one half feet in height measured from the ground immediately adjacent to the sign;

(D) Portable signs must be placed with a minimum three feet of clearance for pedestrian travel;

(E) Portable signs are prohibited in landscaping or parking areas;

~~(EF)~~ Portable signs shall only be displayed when the establishment is open.

~~(FG)~~ Notwithstanding any other provision of this code, portable non-commercial signs may be placed in landscaped areas of nonresidential property during the pre-election period (ninety days prior to an election and ten days after an election) with the permission of the person who owns or controls the property. Such signs may be displayed whether the establishment is open or closed. Signs shall not be placed in the public right-of-way or on any parkway strip, traffic median, sidewalk, bicycle lane or other travel way or path, or attached to any tree, utility pole, light pole, fire hydrant, utility box, or traffic control device.

(H) Portable signs are not permitted in the public right-of-way unless authorized by Chapter 9.58.

19.44.190 Temporary Signs – Residential zoning districts.

The following requirements apply to temporary signs in residential zoning districts, except as qualified by Section 19.44.150(b). No permit is required for temporary signs that meet all of the following standards:

(a) Non-Commercial Message. The sign does not display a commercial message.

(b) Sign Area. The total of all temporary signs on a single premises shall not exceed sixteen square feet in total sign area, except that during the pre-election period (ninety days prior to an election and ten days after an election), the total area of all signs shall not exceed thirty-two feet in area. These limitations on total sign area do not apply to window signs.

(c) Sign Height. Signs shall not project above any wall, fence, or other structure to which the sign is affixed. Temporary ground signs and portable signs shall not exceed three and one half feet in height measured from the ground immediately adjacent to the sign.

(d) Location. Signs shall not be placed on trees or in walkways, driveways, or other areas of the property used for vehicular or pedestrian travel. Temporary ground signs and portable signs may not be placed in the public right-of-way except as authorized by Section 9.58.100. ~~be placed in the public right-of-way subject to the following requirements:~~

~~(1) Signs are allowed only in that portion of the public right-of-way that is immediately adjacent to and contiguous with the private property and not separated from the adjacent private property by a sidewalk, curb or other public improvement.~~

~~(2) Signs shall not be placed on any parkway strip, 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.~~

(e) Permission of Owner. Signs shall not be placed in any location without the permission of the owner or occupant of the property. In the case of signs that are allowed

in the public right-of-way pursuant to ~~this section~~ Chapter 9.58, signs shall not be placed without the permission of the owner or occupant of the contiguous and adjacent private parcel.

(f) Flags displaying non-commercial messages do not count toward the total sign area for temporary signs as long the total area of each flag does not exceed sixteen square feet.

(g) Flags displaying commercial messages are prohibited in residential zones except for multifamily uses. For multifamily uses, up to four flags with commercial messages are allowed. The maximum flag size is fifteen square feet and the maximum height is twenty feet, as measured from the ground and including the pole. Maximum lateral dimension is twenty-five percent of the total height of the pole or structure.

(h) Places of Assembly. Churches, community centers, and other places of assembly located on residentially-zoned property are not subject to this section. Places of assembly are subject to the regulations applicable to signs in commercial zoning districts.

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 one hundred square feet sign area, and an EMC ground sign shall not exceed fifty square feet sign area per side.
- (e) Sign height. EMC sign height shall not exceed ten feet 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 one hundred fifty 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 two minutes. 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 thirty lineal feet of street frontage.

(3) Size. Each decorative banner shall be a minimum of eight square feet and a maximum of sixteen 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 ten feet to another banner.

(5) Height. The bottom of each banner shall be at least eight feet and not more than twelve 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 twenty-five percent 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 or use 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 ninety days must conform to current requirements. Notice shall be sent to the property owner who will have ten 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.