



REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of May 22, 2018

TO: Mayor Kelley and Members of the City Council

SUBMITTED BY: Holly Smyth, AICP, Planning Director
Robert Reber, AICP, Adjunct Planner

SUBJECT: Second Reading of Ordinance No. 510 for Zoning Text Amendment #18-03 which amends Chapter 34 of the Hercules Zoning Ordinance (Hercules Municipal Code, Title 10) to update, revise, and clarify the City's Sign Regulations

RECOMMENDED ACTION:

Consider waiving second reading and adopting the attached Ordinance No. 510 of the City Council of the City of Hercules, amending the City's sign regulations.

FISCAL IMPACT OF RECOMMENDATION:

No fiscal impact.

DISCUSSION:

After holding a publicly noticed public hearing on May 8, 2018, the City Council waived the first reading and approved—with no changes—adoption of a draft ordinance to amend the City's current sign ordinance. The intent of the ordinance is to resolve potential conflict between Master Sign Programs (MSPs) and the Zoning Ordinance, and to clarify the public review and approval process required for MSPs in order to achieve nuanced, high-quality, contextually appropriate signage, rather than strict adherence to Zoning Ordinance limitations. Specifically, the ordinance includes provisions to:

- Clarify that MSPs require Planning Commission approval;
- Require that MSPs substantially (but not necessarily completely) conform to the Zoning Ordinance; and
- Allow certain exceptions to standard signage regulations—including maximum allowed signage, monument sign size, and fuel canopy signs—through approval of MSPs.

Additionally, the Ordinance aims to better align with recent legal precedent related to sign regulations. In *Reed vs. Town of Gilbert*, 576 US (2015), the U.S. Supreme Court clarified when

municipalities may impose content-based restrictions on signage. The case also clarified the level of constitutional scrutiny that should be applied to content-based restrictions on speech. In light of the Court's decision, the ordinance makes these additional changes to the Zoning Ordinance:

- Deletes requirements specific to religious institution signs;
- Removes content-specific limitation on changeable copy signs;
- Deletes provisions specific to advertising messages incorporated into signs;
- Eliminates content-specific bulletin board limitations;
- Deletes fast food, automobile, and other content-specific exceptions for banners.

ENVIRONMENTAL DETERMINATION

The Zoning Ordinance amendments are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that there is no possibility that the ordinance amendments in question may have a significant effect on the environment. A Notice of Exemption (Attachment 3) was filed with the County Clerk of Contra Costa County on May 9, 2018, for a 30-day posting of this decision.

ATTACHMENTS

- Attachment 1 – Ordinance No. 510 adopting Zoning Text Amendment #18-03