

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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August 19, 2009

W38d

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
GARY CANNON, COASTAL PROGRAM ANALYST, SAN DIEGO COAST
DISRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF ENCINITAS MAJOR
AMENDMENT 2-08 for Commission Meeting of September 9-11, 2009**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on September 15, 2008. A one-year time extension was granted on October 16, 2008. As such, the last date for Commission action on this item is November 16, 2009.

SUMMARY OF AMENDMENT REQUEST

The proposed amendment to the City's sign ordinance (Encinitas Municipal Code Chapter 30.60, Sign), which is part of the certified Implementation Program (IP) for the City's LCP, will prohibit new billboards and will allow for non-commercial message substitution on existing legal signs without requiring additional approval or permits. The amendment also provides for new definitions for "billboard" and for "non-commercial sign".

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the proposed LCP amendment as submitted, and subsequent approval if modified.

The proposed ordinances will provide clarification that new billboards within the City are prohibited consistent with the provisions of the existing Land Use Plan (LUP) and that non-commercial message substitution for existing legal signs will not require additional permits. The proposed amendments do not create any inconsistencies with other sections of the IP or LUP with the exception of one item. The wording of the proposed "billboard" definition includes a provision allowing existing legal billboards to be relocated, which could result in a new billboard in a new location in the Coastal Zone, which would be inconsistent with the visual resource protection policies of the Certified LUP. Staff recommends that the definition be revised to prohibit relocation of any existing legal billboard within the Coastal Zone. Portions of the City lie outside of the

Coastal Zone, therefore, relocation of existing billboards to locations outside of the Coastal Zone is possible. With this one revision, the proposed amendment will be consistent with the certified LUP.

The appropriate resolutions and motions begin on Page 3. The suggested modifications begin on Page 4. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 5. The findings for approval of the plan, if modified, begin on Page 8.

BACKGROUND

On November 17, 1994, the Commission approved, with suggested modifications, the City of Encinitas Local Coastal Program (both land use plan and implementing ordinances). The City accepted the suggested modifications and, on May 15, 1995, began issuing coastal development permits for those areas of the City within the Coastal Zone.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from **Gary Cannon** at the San Diego Area Office of the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402, (619) 767-2370.

PART I. OVERVIEW**A. STANDARD OF REVIEW**

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

B. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. **MOTION I:** *I move that the Commission reject the Implementation Program Amendment for the City of Encinitas certified LCP as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment submitted for the City of Encinitas certified LCP and adopts the findings set forth below on grounds that the Implementation Program as submitted does not meet the requirements of and is not in conformity with the policies of the certified Land Use Plan (LUP). Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

II. MOTION II: *I move that the Commission certify the Implementation Program Amendment for the City of Encinitas certified LCP if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of Encinitas certified LCP if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of the certified Land Use Plan. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends that the following suggested revisions to the proposed LCP be adopted. The underlined sections represent language which the Commission suggests be added to the language as originally submitted.

1. Revise Section 30.60.50.L, Billboards, as follows:

30.60.50.L Billboards. New billboards are prohibited. This prohibition does not limit agreements to relocate presently existing legal billboards, as long as such billboards are relocated to locations outside of the Coastal Zone, as encouraged by State law including, but not limited to, Business and Professions Code Section 5412. This prohibition does not apply to presently existing billboards which complied with all legal requirements at the time of installation.

PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF ENCINITAS LCP IMPLEMENTATION PLAN AMENDMENT #2-08, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The amendment is designed to prohibit new billboards within the City and allow for non-commercial message substitution on existing legal signs and billboards. The City describes the amendment as a “clean-up” measure to assure the existing City sign regulations comply with current State law and court decisions. Existing legal billboards are not prohibited by the proposed amendment. According to the City, State law encourages relocation agreements for existing legal billboards and, therefore, in order to be in compliance with State law, the City’s proposed ordinance allows for relocation agreements. In addition, according to the City, recent court decisions encourage the City to allow for non-commercial message substitution to a greater extent. The City amendment allows for message substitution of non-commercial messages without the need for authorization or permits. In other words, wherever legal commercial signs or non-commercial signs exist, non-commercial messages can be substituted without discretionary authorization by the City. The amendment also includes definitions for “billboard” and “non-commercial sign” to facilitate these provisions.

B. PURPOSE AND INTENT OF THE ORDINANCE

The purpose of the City’s sign ordinance is to prevent visual clutter, preserve the visual character and quality of the environment, achieve an aesthetically pleasing appearance for the City and provide adequate opportunity to erect signs. In doing so, the City’s sign ordinance is intended to enhance the visual environment of the City, eliminate traffic hazards caused by improper signs, and ensure that information is presented safely and effectively. The specific changes to the sign ordinance are contained in Sections 30.60.020/Definitions and 30.60.050/General Regulations. The relevant ordinance sections are attached in Exhibit 2 and the new code sections are shown in underline.

C. MAJOR PROVISIONS OF THE ORDINANCE

The sign ordinance contains a number of provisions, including the following:

- Definitions
- When regulations apply and permits are required
- Type, size and location requirements
- Exempt signage
- Non-Conforming/Abatement/Removal of illegal signage

**D. ADEQUACY OF THE ORDINANCE TO IMPLEMENT CERTIFIED LUP/
DENIAL AS SUBMITTED**

The following goals and policies are part of the certified LUP, which are the standard of review for this ordinance, and are particularly relevant to the provision and protection of visual coastal resources:

Land Use Element:

POLICY 9.3: Prohibit and eliminate billboards and obtrusive advertising media along freeway corridors, Highway 101/First Street and other scenic corridors and routes as specified in the Resource Management Element, Figure 3. (Coastal Act/30251)

POLICY 9.5: Discourage development that would infringe upon scenic views and vistas within the I-5 corridor.

Circulation Element:

POLICY 4.9: Prohibit whenever legally possible, or strictly regulate billboards on city streets, roads, freeways, railroad rights-of-way, and lagoons. (Coastal Act/30251/30253)

Resource Management Element:

GOAL 4: The City, with the assistance of the State, Federal and Regional Agencies, shall provide the maximum visual access to coastal and inland views through the acquisition and development of a system of coastal and inland vista points. (Coastal Act/30251)

POLICY 4.5: The City will designate "Scenic/Visual Corridor Overlay" areas within which the character of development would be regulated to protect the integrity of the Vista Points according to the following criteria:

Critical viewshed areas should meet the following requirements:

- extend radially for 2,000 feet (610M) from the Vista Point; and
- cover areas upon which development could potentially obstruct, limit, or degrade the view.

Development within the critical viewshed area should be subject to design review based on the following:

- building height, bulk, roof line and color and scale should not obstruct, limit or degrade the existing views; . . .

POLICY 4.6: The City will maintain and enhance the scenic highway/visual corridor viewsheds.

POLICY 4.7: The City will designate the following view corridors as scenic highway/visual corridor viewsheds:

- Saxony Road, from Leucadia Blvd., north to La Costa Ave.
- Highway 101 from Encinitas Blvd. south to Santa Fe Drive
- El Camino Real from Encinitas Blvd. north to La Costa Blvd.
- Highway 101, La Costa Ave. to South Carlsbad Beach
- La Costa Ave. from just west of I-5 to El Camino Real
- Highway 101, from Encinitas Blvd. to La Costa Ave.
- Leucadia Blvd. between Hwy 101 and El Camino Real
- San Elijo Ave. (and Hwy 101) south of Cardiff Beach State Park to Santa Fe Drive
- Manchester Ave. from San Elijo Ave. to Encinitas Blvd.
- Interstate 5, crossing San Elijo Lagoon

POLICY 4.8: The City will designate Scenic/Visual Corridor Overlay and scenic highway viewshed areas as illustrated on the Visual Resource Sensitivity Map (Figure 3).

POLICY 4.9: It is intended that development would be subject to the design review provisions of the Scenic/ Visual Corridor Overlay Zone for those locations within Scenic View Corridors, along scenic highways and adjacent to significant viewsheds and vista points with the addition of the following design criteria:

[. . .]

- Development Design

- Building and vegetation setbacks, scenic easements, and height and bulk restrictions should be used to maintain existing views and vistas from the roadway.
- Off-site signage should be prohibited and existing billboards removed.
- Development should be minimized and regulated along any bluff silhouette line or on adjacent slopes within view of the lagoon areas and Escondido Creek.
- Where possible, development should be placed and set back from the bases of bluffs, and similarly, set back from bluff or ridge top silhouette lines; shall leave lagoon areas and floodplains open, and shall be sited to provide unobstructed view corridors from the nearest scenic highway.
- Development that is allowed within a viewshed area must respond in scale, roof line, materials, color, massing, and location on site to the topography, existing vegetation, and colors of the native environment. (Coastal Act/30251/30253)

The existing sign ordinance was previously certified as consistent with the City's certified LUP. The proposed revisions to the certified IP, although designed to reflect the standards of the current sign ordinance and LUP, does not adequately address the protection of visual coastal resources because it allows for the replacement of existing billboards to new locations within the Coastal Zone, which could adversely impact visual resources of the coast. Replacing existing billboards with new billboards within the Coastal Zone would be inconsistent with Land Use Element Policies 9.3 and 9.5, Circulation Element Policy 4.9 and Resource Management Policies 4.9 as cited above. To address this inconsistency, Section 30.60.50.L needs to be revised to prohibit the relocation of any existing billboard to sites within the Coastal Zone. As such, the proposed amendment must be rejected.

Part V. FINDINGS FOR APPROVAL, IF MODIFIED

The proposed revisions to the sign ordinance, as modified, will expressly prohibit new billboards within the City and will allow for the substitution of non-commercial messages on existing signage without the need for additional authorization or permits. These revisions will strengthen the visual protection policies of the LCP and do not create any inconsistencies with the certified LCP. The previously above-cited LUP policies relating to protection of visual and scenic resources apply to the subject amendment request.

Suggested Modification #1 is necessary to ensure that no existing legal billboard is relocated to a site within the Coastal Zone. The City has identified that State law encourages relocation agreements for existing legal billboards. However, if existing legal

billboards are relocated to sites within the Coastal Zone, the new location could have adverse impacts on the visual resources of the area. In addition, relocation of billboards would also be inconsistent with the several LUP policies that encourage and prohibit the construction of billboards:

Land Use Element:

POLICY 9.3: Prohibit and eliminate billboards and obtrusive advertising media along freeway corridors, Highway 101/First Street and other scenic corridors and routes as specified in the Resource Management Element, Figure 3. (Coastal Act/30251)

Circulation Element:

POLICY 4.9: Prohibit whenever legally possible, or strictly regulate billboards on city streets, roads, freeways, railroad rights-of-way, and lagoons. (Coastal Act/30251/30253)

Resource Management Element:

POLICY 4.9: It is intended that development would be subject to the design review provisions of the Scenic/ Visual Corridor Overlay Zone for those locations within Scenic View Corridors, along scenic highways and adjacent to significant viewsheds and vista points with the addition of the following design criteria:

[. . .]

- Off-site signage should be prohibited and existing billboards removed.

Therefore, to address this concern, Suggested Modification #1 revises proposed Section 30.60.50.L of the certified Implementation Plan to include a provision that allows for relocation agreements for existing legal billboards to locations outside of the Coastal Zone:

30.60.50.L Billboards. New billboards are prohibited. This prohibition does not limit agreements to relocate presently existing legal billboards, as long as such billboards are relocated to locations outside of the Coastal Zone, as encouraged by State law including, but not limited to, Business and Professions Code Section 5412. This prohibition does not apply to presently existing billboards which complied with all legal requirements at the time of installation.

The amendments requested herein, if modified as suggested, will ensure that no billboards are relocated to areas within the Coastal Zone. This will add to and improve upon the visual protection policies of the existing sign ordinance. Therefore, the Commission finds that the proposed amendments to the sign ordinance are fully

consistent with, and adequate to carry out, the certified City of Encinitas LUP policies. If the suggested modifications are incorporated, the sign ordinance, will conform with and will be adequate to carry out the visual protection policies of the certified LUP, and will ensure continuing protection of coastal resources.

PART VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or the LCP amendment, does conform with CEQA provisions. The LCP amendment as submitted does not ensure that the sign ordinance will be implemented in a manner consistent with the requirements of the Coastal Act. If the amendment is modified as suggested to ensure that new and replaced billboards are not permitted within the coastal zone, the amendment will not result in any adverse impacts to the environment. The Commission finds that the proposed amendment, if modified as suggested, does conform to CEQA provisions. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant unmitigated adverse environmental impacts.

ORDINANCE 2008-15

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ENCINITAS, CALIFORNIA
AMENDING THE ENCINITAS MUNICIPAL
CODE BANNING NEW BILLBOARDS AND
SETTING FORTH PROVISIONS FOR SIGN
MESSAGE SUBSTITUTION.
CASE NUMBER: 08-67 ZC/LCPA

WHEREAS, on April 23, 2008, the City Council adopted Ordinance No. 2008-10 entitled "An Urgency Ordinance of the Encinitas City Council adopting amendments to the Encinitas Municipal Code banning new billboards and setting forth provisions for sign message substitution;

WHEREAS, the Planning Commission conducted a Public Hearing on June 5, 2008 and considered public testimony and made a recommendation to the City Council to amend the City's sign regulation system to ban new billboards and set forth provisions for sign message substitution;

WHEREAS, the City Council finds that billboards, by their very nature, cause esthetic harm to a community. Modern billboards have an expected lifetime of many decades. Most billboards are large free-standing structures which cause a significant new impact to public views, which is unconnected to any human activity on the site. When taken together, these factors mean that a billboard is a permanent scar on the public viewscape, and as such new billboards should be banned in the legitimate governmental interest of preserving community character, esthetic quality and public safety;


WHEREAS, the City Council finds that the amendments are consistent with the adopted Local Coastal Plan in that the amendments are intended to protect and maintain the overall quality of the coastal zone environment and its natural and artificial resources; and

NOW, THEREFORE, the City Council of the City of Encinitas hereby ordains as follows:

SECTION ONE: Chapter 30.60 of the Encinitas Municipal Code is amended to add the following (underlined) language.

Ban on new billboards:

(New Section 30.60.50.L): Billboards. New billboards are prohibited. This prohibition does not limit agreements to relocate presently existing legal billboards, as encouraged by State law including, but not limited to, Business and Professions Code Section 5412. This prohibition does not apply to presently

EXHIBIT NO. 1
APPLICATION NO. Encinitas LCPA 2-08
City Resolution for Sign Ordinance Revisions
 California Coastal Commission

existing billboards which complied with all legal requirements at the time of installation.

New definition of message substitution:

(New Section 30.60.50.M): Message Substitution. Subject to the property owner's consent, any noncommercial message may be substituted, in whole or in part, for any legally existing commercial message or any legally existing noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. In addition, any unused allowance for signage may be used for temporary display of any non-commercial message; a permit for such signage is required only when a new sign qualifies as a structure within the meaning of the Building Code. 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 noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to exceed the total amount of permanent signage on a site or parcel; it does not create a right to substitute an off-site commercial message in place of an on-site commercial message, or in place of a non-commercial message; it does not affect the requirement that a sign structure or mounting device be properly permitted; and it does not authorize changing the physical method of message display without a permit. Message substitution is a continuing right that may be exercised any number of times

New definition of billboard:

(New Section 30.60.20(I.)): "Billboard" is a permanent structure sign which meets any one or more of the following criteria: 1) it is used for the display of off-site commercial messages; 2) it is used for general advertising or advertising for hire; 3) display space on the sign is routinely rented, leased or donated to advertisers other than the owner or operator of the sign.

New definition of "non-commercial sign":

(New Section 30.60.20(J.)): "Non-commercial sign" is a sign that does not identify, advertise or attract attention to a business, product or service, or propose an economic transaction. Typical examples include signs whose message addresses a topic of public concern or controversy such as, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. Any distinctions as to "on-site" or "off-site" do not apply to non-commercial signs.

SECTION TWO: In any and all cases, the provisions of this Ordinance shall be applicable to the following specific plans:

Downtown Encinitas Specific Plan
North 101 Corridor Specific Plan
Encinitas Ranch Specific Plan
Home Depot Specific Plan

The Ordinance shall supersede all provisions, standards, and requirements of the specific plans. If a conflict arises between the Ordinance and the specific plans, then the standards contained in the Ordinance shall take precedence.

SECTION THREE: Environmental finding: The City Council finds, in its independent judgment, that the proposed amendments to the Municipal Code are categorically exempt from environmental review pursuant to Section 15061 (b3.), which states that CEQA only applies to projects which have the potential for causing a significant effect on the environment, as well as Section 15308, which exempts actions taken by regulatory agencies for the protection of the environment.

SECTION FOUR: Public Notice and Effective Date: The City Clerk is directed to prepare and have published a summary of this ordinance no less than five 5 days prior to consideration of its adoption and again within fifteen 15 days following adoption indicating the votes cast. This ordinance will become effective following certification by the California Coastal Commission as being consistent with the Local Coastal Program for the City of Encinitas.

SECTION FIVE: Within 15 days following the effective date of this ordinance, the City Clerk is directed to prepare and have published a summary of this ordinance together with the votes cast.

PASSED AND ADOPTED this 20th day of August, 2008 by the following vote to wit:


AYES: Barth, Bond, Dalager, Houlihan, Stocks.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

Signature on file

Jerome Stocks, Mayor
City of Encinitas

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance 2008-15 which has been published pursuant to law.


Deborah Cervone, City Clerk

CHAPTER 30.60SIGNS30.60.010 PURPOSE

A. The purpose of this Chapter is to reduce visual clutter, preserve the character and quality of the environment, achieve an aesthetically pleasing appearance for the City and provide adequate opportunity to erect signs. In so doing, this Chapter intends to enhance the visual environment of the City, to eliminate traffic hazards caused by improper signs, and to ensure that information is presented safely and effectively. (Ord. 92-42)

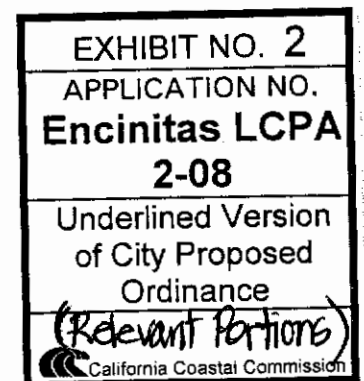
B. This Chapter establishes a comprehensive system for the regulation of signs to promote the public safety, health, and welfare. The intent is to present a set of reasonable, non-arbitrary and non-discriminatory standards and procedures which will facilitate the improvement and protection of the environment by prohibiting the misuse of signs.

C. It is the intent of this Chapter to further the greater public interest in allowing a property owner to identify the owner's property and the activities, services, and products available thereon rather than having the property owner use his allowable sign area to identify property, activities, services, and products located elsewhere.

D. In addition to the sign regulations set forth in this Chapter, each specific plan, identified in Chapter 30.84, Specific Plans, may have additional or separate regulations for signs for its plan area. Refer to individual specific plans, as referenced in Chapter 30.84, for sign regulations within each specific plan area. (Ord. 94-02)

30.60.020 DEFINITIONS

A. "Sign" shall mean any and all devices, fixtures, structures, construction, cloth or backing which conveys a message in pictorial, symbolic, or worded form, placed for display to the outdoor public. "Sign" does not include windows in a building used by a religious organization, religious symbols, or official notices posted by officers or issued by a court or public body. "Sign" does not include a governmental flag so long as there are not more than five governmental flags per lot of record. (Ord. 91-12)



B. "Sign area" is the entire area within a single, continuous perimeter enclosing the extreme limits of a sign. The perimeter shall include all elements and ornamentation forming an integral part of the design of the sign.

C. "Sign height" is the total distance between the lowest existing grade below the base of the sign measured to the top of the highest sign element, including all structural elements and appendages.

D. "Sign structure" is a structure which supports or is capable of supporting a sign. A sign structure may be a single pole or multiple poles or may be designed as an integral part of the building, or any combination thereof.

E. A "commercial sign" conveys a message which proposes a commercial transaction expressly related solely to the economic interests of the business person and the public; as may further be defined by judicial decision.

F. An "ancillary commercial sign" conveys a message of a commercial nature that is related to a lawful, residential use; for example, without limitation, a message that announces the sale, rental, or lease of residential property, a garage/yard sale, a reward for a lost animal, or a civic fund-raising event, or a message announcing an on-site security system.

G. A "temporary sign" is one which is "in place or visible" for the duration of a temporary use or 6 months whichever is less.

H. An "off-site message" is a sign which is not related to a lawful use occurring on the site; for example, without limitation: identification of an activity not occurring at the site of the sign, identification of a product not available at the site of the sign, or identification of property located elsewhere.

I. "Billboard" is a permanent structure sign which meets any one or more of the following criteria: (Ord. 2008-15)

1. it is used for the display of off-site commercial messages;
2. it is used for general advertising or advertising for hire;
3. display space on the sign is routinely rented, leased or donated to advertisers other than the owner or operator of the sign.

J. “Non-commercial sign” is a sign that does not identify, advertise or attract attention to a business, product or service, or propose an economic transaction. Typical examples include signs whose message addresses a topic of public concern or controversy such as, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. Any distinctions as to “on-site” or “off-site” do not apply to non-commercial signs. (Ord. 2008-15)

30.60.040 AUTHORITY Unless otherwise provided in this Chapter, a person may erect a sign in conformity with the provisions of this Chapter:

- A. After obtaining a building permit, if required by this Code, or
- B. After obtaining a sign permit from the Director of Planning and Building, or (Ord. 2003-08).
- C. After obtaining a Design Review permit from the appropriate, authorized agency.

30.60.050 GENERAL REGULATIONS

- A. Except as allowed by the provisions of this Chapter, it shall be unlawful for any person to post, erect or maintain any sign within the City.
- B. It shall be unlawful for any owner of real property within the City to allow the posting, erection or maintenance on such person's property of any sign which is in violation of the provisions of this Chapter.
- C. Unless authorized by other provisions of this Chapter, it shall be unlawful for any person to post, erect or maintain any sign within the public right-of-way or upon public property.
- D. The provisions of this Chapter do not apply to signs posted, erected or maintained by the City on public property for a proper, public purpose. Such signs include traffic/pedestrian control signage. All other City signs shall be subject to the regulations of this chapter.
- E. No sign shall be posted, erected or maintained:
 - 1. Within a setback imposed within this chapter on the real property on which the sign is to be located, unless otherwise provided in this Chapter.

2. So as to obstruct a clear view of the street from any intersecting street or access to public street such as driveways.

3. That is illuminated if the sign faces residentially zoned property except as otherwise provided in this Chapter.

4. That moves, flashes, or is intermittently illuminated. Wind propellers and other noise creating devices shall not be permitted. Time and temperature signs shall be permitted subject to the standards and sign area requirements for the specific sign type.

5. That interferes with the effectiveness of or obscures any public sign.

F. Signs shall be maintained both visually and structurally to City standards, i.e., Uniform Building Code and Design Review requirements.

G. No sign shall be erected so as to obstruct any door or fire escape of any building or to obstruct free passage over any public right-of-way.

H. No sign shall be erected that would unreasonably obscure from any public view existing, conforming signs on adjacent properties.

I. No sign shall be erected so as to block significant scenic views or detract from the natural beauty of the City as identified in the General Plan.

J. No inflatable attention getting devices or sign painted on or affixed to a balloon which in turn is attached to a structure or the ground shall be permitted.

K. No vehicle or trailer shall be parked that is utilized as a portable sign for the purpose of providing directional signage, additional on-site signage, or an attention getting device.

L. Billboards. New billboards are prohibited. This prohibition does not limit agreements to relocate presently existing legal billboards, as encouraged by State law including, but not limited to, Business and Professions Code Section 5412. This prohibition does not apply to presently existing billboards which complied with all legal requirements at the time of installation. (Ord. 2008-15)

M. Message Substitution. Subject to the property owner's consent, any noncommercial message may be substituted, in whole or in part, for any legally existing commercial message or any legally existing noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. In addition, any unused allowance for signage may be used for temporary display of any non-commercial message; a permit for such signage is required only when a new sign qualifies as a structure within the meaning of the Building Code. 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 noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to exceed the total amount of permanent signage on a site or parcel; it does not create a right to substitute an off-site commercial message in place of an on-site commercial message, or in place of a non-commercial message; it does not affect the requirement that a sign structure or mounting device be properly permitted; and it does not authorize changing the physical method of message display without a permit. Message substitution is a continuing right that may be exercised any number of times. (Ord. 2008-15)

30.60.060 EXEMPT SIGNS. The following shall be exempt from obtaining permits. However, said signs must still meet the standards of this chapter. The sign area identified below will not count toward the permitted sign area unless specified.

A. Bulletin Boards: Bulletin boards for charitable or religious organizations, provided that such signs do not exceed an area of 4 square feet per face and are not illuminated.

B. Commemorative Signs: Commemorative signs or plaques of not more than four square feet.

C. Danger Signs: Danger signs, railroad crossing signs and signs of public utility companies indicating danger and aids to service or safety.

D. Incidental Signs: Signs which are customarily accessory or subordinate to the principal signs for nonresidential uses. Such signs may include but are not limited to credit cards, trade affiliations and the like. A maximum of four (4) square feet is permitted and may be attached to a freestanding sign or building.

E. Informational Signs: Directional, warning or informational signs required or authorized by law which are erected by federal, state, county, municipal, or district officials.

F. Notices: Official notices issued by a court or public body or office and posted in the performance of a public duty.

- G. Occupant Directory Sign: Occupant directory sign of not more than 4 square feet.
- H. Signs Blocked from Public View: Signs which are not intended to be viewed from public streets and or beyond the premises and are not visible therefrom such as signs in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar uses of a recreational or entertainment nature. Interior areas shall be areas visible and utilized by pedestrians. Signs visible from parking areas and other public areas shall be subject to these regulations.
- I. Sign Copy Change/Maintenance: Changing the copy of a sign and/or performing maintenance which does not involve structural changes.
- J. Tenant I.D. Signs: Tenant Identification signs, provided that all of the following conditions hold:
1. No more than 2 such signs having an area of not more than 4 square feet each may be placed on a building facing or fence per tenant.
 2. The sign copy shall be limited to name, occupation, street address, telephone number, date of establishment, trade organization associations, names of products produced under registered trade names, and other comparable sign copy of a non-advertising nature, which copy may relate to one or more separate establishments.
- K. Trespassing/Parking Signs: "No Trespassing", and "No Parking" and similar warning signs.
- L. Use Permit Signs: For any use type allowed by the granting of a use permit, placement, number, and size of on-premise signs may be determined by the conditions of approval of the use permit. (Ord. 97-17).
- M. Vehicle Signs: Signs on licensed commercial vehicles, provided such vehicles are not used or intended for use as portable signs.
- N. Window Signs: Temporary window signs constructed of paper, cloth or similar expendable material, provided that the total area of such signs shall not exceed 25 percent of the window area as measured pursuant to Section 30.60.020B. Temporary window signage is limited to a maximum of 90 days. The square footage of the sign is determined by taking 25% of the windows located on the same side of the tenant space of the building where the sign is to be located. The window sign may be located on any of the windows that are located within the window area of where the square footage was determined.