

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

ITEM M6b

July 19, 2001

**TO:** Commissioners and Interested Persons**RECORD PACKET COPY**

FROM: Deborah Lee, Deputy Director
Teresa Henry, South Coast Area Office District Manager
Steve Rynas, Orange County Area Supervisor
Karl Schwing, Coastal Program Analyst

SUBJECT: Amendment Request No. 2-00 to the City of Dana Point Certified Local Coastal Program (For Public Hearing and Commission Action at the August 7-10, 2001 Commission meeting in Redondo Beach).

SUMMARY OF LCP AMENDMENT REQUEST NO. 2-00

Local Coastal Program Amendment No. 2-00, would amend the Implementing Ordinances (LIP) to extend the date by which non-conforming signs need to be removed, corrected, or otherwise made legal to December 31, 2001. The proposed amendment to the LCP is contained in City Council Ordinance No. 00-06, and would amend the sign code effective within the Monarch Beach area and Capistrano Beach area of the City's coastal zone (see Exhibit 1 and 2). The amendment would have no effect upon the Dana Point Specific Plan local coastal program area. City Council Ordinance No. 00-06 also submits the LCP amendment request for certification by the Commission. The subject amendment request was submitted December 7, 2000 and is the City's first major LCP amendment request for 2000.

SUMMARY OF STAFF RECOMMENDATION

The proposed amendment would allow additional time for parties to conform with the present sign code. However, the amendment does not change the requirement that nonconforming signs be removed, corrected or otherwise made legal. In addition, there are no nonconforming signs in the Monarch Beach and Capistrano Beach areas of the City's coastal zone which adversely impact a public view corridor. Therefore, staff is recommending that the Commission, after public hearing, approve LCP Amendment No. 2-00 as submitted. The motions to accomplish this recommendation are on page two. It should also be noted that no objections to the proposed amendment have been received.

ADDITIONAL INFORMATION

Copies of the staff report are available at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact **Karl Schwing** in the Long Beach office at (562) 590-5071. Additional information may also be obtained from the City of Dana Point Community Development Department at (949) 248-3564.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission reject the Implementation Program Amendment for the Dana Point LCP as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted 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 IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Dana Point certified LCP as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act, and certification of the Implementation Program Amendment will meet the requirements of 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 or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

II. STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP implementing ordinances, pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the certified LUP. The LUP for the Monarch Beach and Capistrano Beach areas of the city consists of the Land Use Element, Urban Design Element, and the Conservation/Open Space Element of the City's General Plan, as certified by the Coastal Commission.

III. SUMMARY OF PUBLIC PARTICIPATION

The City Planning Commission held a public hearing for the proposed LCP amendment on September 6, 2000, and the City Council held a public hearing for the proposed LCP amendment on October 10, 2000. This LCP amendment request is consistent with the submittal requirements of the Coastal Act and the regulations which govern such

proposals (Sections 30501, 30510, 30514 and 30605 of the Coastal Act, and Sections 13551, 13552 and 13553 of the California Code of Regulations).

IV. FINDINGS

The following findings support the Commission's approval of the LCP amendment as submitted. The Commission hereby finds and declares as follows:

A. Amendment Description and Background

The proposed Local Coastal Program Amendment 2-00 only affects the certified implementation plan (LIP) of the City of Dana Point certified local coastal program for the Monarch Beach and Capistrano Beach areas to extend the amortization period to remove or correct existing nonconforming signs to December 31, 2001 (Exhibit 1). Under the LIP for the Monarch Beach and Capistrano Beach areas previously legal signs which were made nonconforming by the City's adoption of the LIP were required to be removed, modified to meet current standards, or otherwise made legal through a variance or historical designation within 7 years from notification that the sign was nonconforming by the City of Dana Point.

The City prepared a citywide inventory of nonconforming signs and notified the affected parties on August 5, 1992. Based upon the 7 year amortization period, the nonconforming signs were to be abated by August 5, 1999. However, the LIP allowed an additional 1 year extension to be granted if an application for an extension was made prior to the expiration of the original 7 year amortization period. This one year extension was granted by the City which changed the abatement date to August 5, 2000. The proposed amendment would change the abatement date to December 31, 2001.

According to the City's inventory, there are approximately 50 nonconforming signs within the City's coastal zone (Exhibit 2). However, only approximately 11 of these signs are located within the Monarch Beach and Capistrano Beach portion of the LIP which is the subject of this amendment. The remaining 39 nonconforming signs are governed by the Dana Point Specific Plan/Local Coastal Program document which would not be changed by the proposed amendment. A separate pending amendment request, which is presently incomplete, would replace the Dana Point Specific Plan/Local Coastal Program with the Land Use Element, Urban Design Element, and the Conservation/Open Space Element of the City's General Plan and the Zoning Code (i.e. the same documents which are the LCP for the Monarch Beach and Capistrano Beach areas of the City). Issues related to the 39 nonconforming signs within this segment of the City will be addressed at the time the Commission considers this separate amendment request.

As noted above, the present sign code allows a nonconforming sign to remain in place if that sign is designated historical or if a variance is granted. However, only one of the eleven signs within the Monarch Beach and Capistrano Beach areas may qualify for the historical designation. Most of the other remaining signs are either pole signs or roof signs which do not qualify for a variance. Therefore, under the existing LIP, the

remaining 10 nonconforming signs will need to be removed or modified to comply with the LIP. (02)

B. Public Views and Community Character

Signs have the potential to adversely impact public views to and along the coast. For instance, a large sign within a view corridor may obstruct public views of the water. In addition, signs can adversely or positively affect community character. For instance, a large and/or tall sign could be out of scale with a commercial area that may be designed with a low profile. On the other hand, a certain sign that is culturally significant may contribute to the identify of a community. In order to address these issues, the certified LUP for the Monarch Beach and Capistrano Beach areas of the city contains the following policies:

Land Use Element Policy 4.8: Encourage the reasonable regulation of signs to preserve the character of the community. (Coastal Act/30251)

Urban Design Element Policy 1.2: Improve the visual character of major street corridors.

Urban Design Element Policy 1.3: Make focused improvements at major City entrance points such as landscaped open space and signage.

Urban Design Element Policy 1.4: Preserve public views from streets and public places.

Urban Design Element Policy 2.1: Consider the distinct architectural and landscape character of each community. To the maximum extent feasible, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. (Coastal Act/30251)

Urban Design Element Policy 2.2: Adopt development standards and design guidelines for commercial areas that reflect the individual character of each community.

Urban Design Element Policy 2.4: Establish a program to preserve buildings and sites of historical and architectural significance.

Urban Design Element Policy 4.5: Protect and enhance existing public views to the ocean through open space designations and innovative design techniques. (Coastal Act/30251)

Conservation/Open Space Element Policy 6.4: Preserve and protect the scenic and visual quality of the coastal areas as a resource of public importance as depicted in Figure COS-5, "Scenic Overlooks from Public Lands", of this Element. Permitted development shall be sited and designed to protect public views from identified scenic

overlooks on public lands to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. (Coastal Act/30251)

Section 9.37 of the LIP provides the standards for signage designed to implement the policies described above (Exhibit 4). New signs must meet the standards or a variance must be obtained for signs which do not meet the standards. Section 9.37.190 of the LIP addresses pre-existing nonconforming signs as follows:

A legal nonconforming sign is any permanent sign which was legally established and maintained in conformance with the ordinance in effect at the time of original installation, but because of size, height, location, design, construction, or other circumstance is not in conformance with the requirements of this Code. The provisions of this section shall apply to all nonconforming signs.

(a) *General Provisions. A nonconforming sign shall be properly maintained in accordance with Section 9.37.190(c), but may not be:*

- (1) Changed to another nonconforming sign either due to a change in text, cosmetically or structurally;*
- (2) Structurally or electrically expanded or altered unless such alteration brings the sign into conformance with all current provisions of this Chapter;*
- (3) Relocated to another site on the same property;*
- (4) Re-established after discontinuance for ninety (90) days or more;*
- (5) Re-established after damage or destruction of more than fifty (50) percent of its original valuation.*

(b) *Removal. Existing signs which are determined to be nonconforming on the effective date of this Chapter (December 26, 1991) shall be modified or removed to comply with all provisions of this Chapter within seven (7) years of the initial date of first written notice from the Director of Community Development, unless extended as permitted in this Section. Such written notice shall be recorded with the Orange County Recorder and mailed to the property owner. The owner shall be given written notice to correct or remove the non-conforming sign within the 7-year amortization period. If the property owner fails to alter or remove the structure to comply with the regulations set forth in this Chapter within ten (10) days following the final date of the amortization period, such sign may be removed or altered by the City at the expense of the permittee or owner. Signs which were erected or altered without a required permit or signs which did not comply with the applicable regulations when erected shall be immediately removed by the owner upon written notice from the City.*

(c) *Maintenance. All signs shall be maintained in good repair and functioning properly, to the satisfaction of the Director of Community Development. Signs shall be free from all defects including but not limited to cracking, peeling, and rusting. Signs that are not properly maintained shall be deemed a public nuisance and may be abated upon proper notice.*

(d) *Minor Repairs and Repainting. Legal nonconforming signs may be removed for the purpose of repairing or repainting and may be replaced upon obtaining a*

sign permit. Legal nonconforming signs may be replaced if the identical sign and text is replaced within sixty (60) days of its removal.

- (e) *Change of Ownership.* Upon change of ownership of the business advertised by the nonconforming sign, the sign as originally approved, including text, may remain on site for seven (7) years from the date of written notice from the Director of Community Development in accordance with procedure of Section 9.37.190(b).
- (f) *Change in Property Size or Configuration.* If any size or configuration of a parcel or building is changed by the subdivision of the property, building addition or demolition, signs for the property shall be made to conform to the sign regulations applicable to the newly created parcel or building at the time such change becomes effective.
- (g) *Time Extension.* Prior to the expiration of the seven (7) year period provided in Section 9.37.190(b), a written request may be made to the Planning Commission for an extension. No time extension shall be approved for any sign unlawfully erected.
 - (1) *Time Period.* The Planning Commission may approve a time extension for a period deemed appropriate, up to one (1) year.
 - (2) *Application and Fee.* An application shall be submitted on a form provided by the Director of Community Development and accompanied by a fee set by a Resolution of the City Council. ****Submittal requirements shall include:**
 - (A) An exhibit showing all signs currently on site;
 - (B) The date the sign was constructed and located on the site;
 - (C) The remaining economic life of the sign, which may or may not be less than the actual physical life of the sign;
 - (D) Any unusual circumstances concerning the size, height, and location of the sign;
 - (E) The manner in which the sign violated the sign regulations as provided in this Section;
 - (F) A letter of justification showing how the immediate removal or alteration of the sign, as required by this Section, would create unnecessary hardship on the applicant, and which hardship may be inconsistent with the purpose and intent of the sign regulations.
 - (3) *Findings.* The Commission shall find the following in approval of an extension of time for a nonconforming sign:
 - (A) Due to special circumstances, immediate removal of the sign will result in a substantial hardship for the applicant.
 - (B) The sign is not detrimental to the surrounding properties or the general health, safety, and welfare.
 - (C) The sign does not constitute an obstruction to vehicular or pedestrian traffic or visibility and is not a hazardous distraction.
 - (4) *Conditions.* Subject to approval of the time extension, the Planning Commission may require reasonable modification or alteration to the sign to improve appearance or its compliance with this Section. Modification that would extend the useful life of the sign shall not be permitted.

LCP Amendment 2-00 would add the following language as Section 9.37.190 (h):

(h) All signs deemed non-conforming by the adoption of this Code and subject to Sections (b) through (g) above shall have the period of time extended to remove or modify the sign extended to December 31, 2001.

The proposed amendment would change the date by which nonconforming signs must be made to conform with current standards or by which the sign must be otherwise made legal through a variance or historical designation. However, the proposed amendment does not change the abatement requirement.

The City of Dana Point provided Commission staff an inventory of the nonconforming signs present throughout the City and the location of those signs. A comparison was made between the location of the nonconforming signs and the location of view corridors protected by the LCP. None of the signs are located in an area which would obstruct any public viewing corridor designated in the certified LCP (Exhibit 3).

Since the proposed amendment would not change the abatement requirement and since there are no nonconforming signs within the Monarch Beach and Capistrano Beach areas of the City's coastal zone which obstruct a public view corridor designated in the certified LUP, the proposed amendment would be consistent with the public view preservation requirements of the certified LUP.

The proposed amendment would provide more time to affected parties to seek any applicable variances or historical designations. The preservation of historic signs would contribute to the character of the community.

Additional time would also allow the City an opportunity to review any remaining nonconforming signs and to make a determination as to whether the sign code needs to be modified. The City Council has established a sub-committee to review the remaining nonconforming signs and to provide recommendations regarding changes to the sign code. Such modifications may be appropriate in order to allow certain nonconforming signs which must be removed under the current sign code because the sign does not qualify for a variance or historical designation to be approved when such signs have no adverse impact upon environmental resources and which may have beneficial impacts such as contributing to community character.

Therefore, for the reasons discussed above, the proposed LCP amendment is in conformance with, and adequate to carry out, the public view and community character protection provisions of the certified LUP.

C. California Environmental Quality Act (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) and the Coastal Commission's regulations [see California Code of Regulations, Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this Local Coastal Program Amendment must be based in part on a finding that it is consistent with CEQA

Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that for the reasons discussed in this report there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed LCP amendment is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

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DEC 1 2000
COASTAL COMMISSION

ORDINANCE NO. 00- 06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA
POINT, CALIFORNIA, APPROVING THE EXTENSION OF THE
AMORTIZATION PERIOD TO REMOVE OR CORRECT EXISTING
NONCONFORMING SIGNS TO DECEMBER 31, 2001. ZONE
TEXT AMENDMENT ZTA00-02 AND LOCAL COASTAL
PROGRAM AMENDMENT LCPA00-02.**

Applicant: Community Development Department
File No.: FF# 0610-05/ZTA00-02/LCPA00-02/Citywide

The City Council for the City of Dana Point does hereby ordain as follows:

WHEREAS, a verified application has been submitted to amend the Zoning Code and Local Coastal Plan and such amendments would affect properties citywide; and

WHEREAS, the application is for Zone Text Amendment and Local Coastal Program Amendment to amend the Dana Point Zoning Code by revising sections of the Zoning Code and Local Coastal Plan as it applies to extend the amortization period to remove or correct existing nonconforming signs to December 31, 2001, as indicated in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, the Planning Commission did, on the 6th day of September 2000, hold a duly noticed public hearing as prescribed by law to consider said request and recommended approval; and

WHEREAS, the City Council did, on the 10th day of October, 2000, hold a duly noticed public hearing as prescribed by law to consider said request and recommended approval; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Council considered all factors relating to Zone Text Amendment ZTA00-02 and Local Coastal Program Amendment LCPA00-02.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Dana Point as follows:

- A) The above recitations are true and correct.
- B) Based on the evidence presented at the public hearing, the City

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DPT LCPA 2-00

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Council approves Zone Text Amendment ZTA00-02 and Local Coastal Program Amendment LCPA00-02.

Findings:

That the above recitations are true and correct.

- 1) That the proposed project is consistent with the Dana Point General Plan and Local Coastal Program in that the amendment will "Achieve design excellence in site planning, architecture, landscape architecture and signage in new development and modifications to existing development." and Land Use Element Policy 1.1, "Develop standards for building intensity, including standards for ground coverage, setbacks, open space/landscaping, maximum dwellings per acre, floor area ratios, size and height restrictions;" "Develop regulatory mechanisms to mitigate land use conflicts", Land Use Element Policy 2.4, and "encourage the reasonable regulation of signs to preserve the character of the community, " Land Use Element Policy 4.8
- 2) That the proposed project does not conflict with any applicable provisions of the Dana Point Zoning Code and Local Coastal Program.
- 3) That the proposed project complies with all applicable provisions of the Dana Point Zoning Code.
- 4) That the proposed project complies with all other applicable requirements of state law and local ordinances.
- 5) That all public and affected agencies have had ample opportunity to participate in the LCPA process. Proper notice in accordance with the LCPA Amendment procedures has been followed.
- 6) That all policies, objectives and standards of the LCPA conform to the requirements of the Coastal Act, including that the land use plan, as amended, is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act. The extension is consistent with Coastal Act that encourages the ultimate abatement of nonconforming uses within the Coastal Zone. This amendment would merely extend the current obligations to remove or modify the remaining non-conforming signs to December 31, 2001.
- 7) That Coastal Act policies concerning specific coastal resources,

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hazard areas, coastal access concerns and land use priorities have been applied to determine the kind locations, and intensity of land and water uses. The extension is consistent with Coastal Act that encourages the ultimate abatement of nonconforming uses within the Coastal Zone. This amendment would merely extend the current obligations to remove or modify the remaining non-conforming signs to December 31, 2001.

- 8) That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code and Zoning Map. The extension is consistent with Coastal Act that encourages the ultimate abatement of nonconforming uses within the Coastal Zone. This amendment would merely extend the current obligations to remove or modify the remaining non-conforming signs to December 31, 2001.
- 9) That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LPCA. Proper notice in accordance with the LPCA Amendment procedures has been followed.
- 10) That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.
- 11) The City certifies that with the adoption of these amendments, City shall carry the local coastal program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
- 12) The City certifies that with these amendments to permit an extension to abate nonconforming signs, the City have proper implementation actions as detailed in the actual wording of the amendments.
- 13) The City certifies that the land use plan, as amended, is in conformity with and adequate to carry out Chapter Three policies of the Coastal Act.
- 14) The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified land use plan.
- 15) The Resolution of the City Council include the Zone Text

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16)The City certifies that the amendments will be submitted to the Coastal Commission for review and approval as a Diminimus Amendment to the Local Coastal Program.

PASSED, APPROVED, AND ADOPTED this 24th day of October, 2000.


INGRID MCGUIRE, MAYOR

ATTEST:


MARSHA WHALEN, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF DANA POINT)

I, Marsha Whalen, City Clerk of the City of Dana Point, do hereby certify that the foregoing Ordinance No. 00- 06 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 10th day of October, 2000, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 24th day of October, 2000, by the following roll-call vote, to wit:

AYES:	Council Members Kaufman, Netzley, Ossenmacher, Mayor Pro Tem Rayfield and Mayor McGuire
NOES:	None
ABSENT:	None
ABSTAIN:	None


MARSHA WHALEN
CITY CLERK

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STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF DANA POINT)

AFFIDAVIT OF POSTING

Marsha Whalen, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point:

That in compliance with State Laws of the State of California, ORDINANCE NO.
00- 06 , being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
DANA POINT, CALIFORNIA, APPROVING THE
EXTENSION OF THE AMORTIZATION PERIOD TO
REMOVE OR CORRECT EXISTING NONCONFORMING
SIGNS TO DECEMBER 31, 2001.**

a certified copy of the full text of Ordinance No. 00- 06 , along with the names of those
City Council Members voting for and against said Ordinance, was caused to be posted
in the Office of the City Clerk.



MARSHA WHALEN
CITY CLERK

(SEAL)

COASTAL COMMISSION

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EXHIBIT A
to
CITY COUNCIL ORDINANCE 00- 06

Section 9.37.190 (h) of the Sign Code is hereby modified to read as follows:

"All signs deemed non-conforming by the adoption of this Code and subject to Sections (b) through (g) above shall have the period of time extended to remove or modify the sign extended to December 31, 2001."

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NON-CONFORMING SIGNS

	no.	street	business name	AP no.	property owner	application received	status
	1	32802 Crown Valley Pk	Coldwell Banker	670-011-30	Morrison	yes	Pole sign
	2	34090 PCH	Del Mar	682-243-08	Hosman	yes	Pole sign
	3	34094 PCH	Lantern Bay Carpets	682-243-07	DeCollibus	yes	Pole sign
	4	34100 PCH	DP Nursery	682-243-04	Bamboo	yes	Pole sign - Historical application ?
	5	34111 PCH	Dana Marina Inn	682-232-01	Choi	yes	Pole sign
	6	34116 PCH	Girl in The Curl	682-241-20	Kollias	yes	Misc. , too many signs/face
	7	34117 PCH	Taco Bell	682-232-07	Takenaga	yes	Monument sign, too tall
	8	34119 PCH	Pizza Hut	682-232-07	Takenaga	yes	Monument sign, too tall
	9	34119 PCH	Radio Shack	682-232-07	Takenaga	yes	Monument sign, too tall
	10	34119 PCH	Tic Tac Nails	682-232-07	Takenaga	yes	Monument sign, too tall
	11	34119 PCH	Royal Cleaners	682-232-07	Takenaga	yes	Monument sign, too tall
	12	34119 PCH	2001 Flavors	682-232-07	Takenaga	yes	Monument sign, too tall
	13	34135 PCH	Tutor&Spunky's			yes	Roof sign
	14	34135 PCH	Donut House			no	Roof sign
	15	34210 PCH	Party Time			yes	Roof sign - Misc., too many signs
	16	34215 PCH	Dana Marina Center			yes	Roof sign
	17	34224 PCH	Carlos Restaurant			yes	Roof sign
	18	34228 PCH	Motel			yes	Roof sign
	19	34293 PCH	DP Wine&Spirits			yes	Pole sign, roof sign
	20	34294 PCH	Rib Joint			yes	Pole sign, roof sign
	21	34700 Coast	Agostino's Rest.			yes	Pole sign
	22	33483 Del Obispo	Orange Auto	673-185-11	Bus Pro	yes	Pole sign, reader board
	23	33489 Del Obispo	Laundromat	673-185-11		yes	Pole sign, reader board
	24	33491 Del Obispo	Crown Cleaners	673-185-11		yes	Pole sign, reader board
	25	33493 Del Obispo	Freiberg/dentist	673-185-11		yes	Pole sign, reader board
	26	33571 Del Obispo	Mobil	668-401-01		yes	Misc. signs
	27	24292 Del Prado	Broderick Preschool	682-233-02	Hofer	yes	Pole sign
	28	24312 Del Prado	Luciana's	682-233-05	Cole	no	Pole sign
	29	24471 Del Prado	Calif Int Plants	682-232-07	Farr	yes	Monument sign, too tall
	30	24522 Del Prado	Fluff&Fold Laundromat	682-191-02	Streit	yes	Roof sign - 2 of 3 signs removed
	31	24661 Del Prado	Allstate	682-323-16	La Mirada	yes	Wall signs - adjoining vacant lot
	32	33990 Doheny Park	Aamco	121-255-02	Michalec	yes	Pole sign
	33	34000 Doheny Park	Koala Carpets	121-255-01	Michalec	yes	Pole sign

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* Denotes Nonconforming Signs in Coastal Zone
● Denotes Nonconforming Signs in Monarch/Capistrano Bench

NON-CONFORMING SIGNS

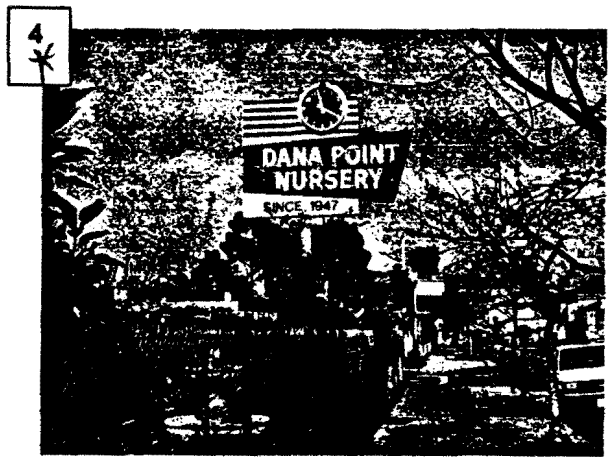
	no.	street	business name	AP no.	property owner	application received	status
34	34052	Doheny Park	Donut World	668-351-02	Buchheim	yes	Pole sign, roof sign
35	34081	Doheny Park	Stats	121-254-13	Snd LP	yes	Roof sign
36	34092	Doheny Park	Liquor Locker	668-351-20	Buchheim	yes	Pole sign, roof sign
37	34122	Doheny Park	Highlander Laundry	668-351-02	Buchheim	yes	Wall signs - too large
38	34131	Doheny Park	Unocal	121-254-14	Snd LP	yes	Pole sign, misc. signs
39	34226	Doheny Park	El Patio	668-331-04	Saunderson	yes	Pole sign - Historical application ?
40	34262	Doheny Park	John's Market	668-332-12	Chade	yes	Pole sign
41	34262	Doheny Park	LM&P Auto Parts	668-332-12	Chade	yes	Pole sign
42	32555	Golden Lantern	Longs Drug	673-481-20	Shea	yes	Monument sign, too tall
43	32555	Golden Lantern	Ralphs Market	673-481-20	Shea	yes	Monument sign, too tall
44	24655	La Plaza	La Plaza Bldg.	682-271-24	Schafer	no	Pole sign <i>prop</i>
45	34111	La Plaza	Hennessey's	682-273-12	Herro	yes	Roof sign
46	7	Monarch Bay	Pharmacy	670-011-30	Morrison	yes	Roof sign
47	12	Monarch Bay	Crystal Inn	670-011-30	Morrison	yes	Roof sign
49	16	Monarch Bay	Ichibiri Restaurant	670-011-30	Morrison	yes	Tenant pole sign - 3
50	17	Monarch Bay	De Mario's Cafe	670-011-30	Morrison	yes	Tenant pole sign - 3
51	19	Monarch Bay	Niguel Hair & Nail	670-011-30	Morrison	yes	Tenant pole sign - 3
52	20	Monarch Bay	Haircutters	670-011-30	Morrison	yes	Tenant pole sign - 3
53	21	Monarch Bay	Michael's Cleaners	670-011-30	Morrison	yes	Tenant pole sign - 3
54	22	Monarch Bay	Travel Travel Laguna	670-011-30	Morrison	yes	Tenant pole sign - 3
55	24	Monarch Bay	Pavilions	670-011-30	Morrison	yes	Tenant pole sign - 3
56	25802	Victoria	Dick Simon Marine	668-341-11	Simon	yes	Roof sign
57	34377	Coast Highway	Holiday Inn			no	Pole sign
58	34320	Coast Highway	Doheny Village			no	Monument sign, too tall
59	26891	Cam. Estrella	Silverado Market			no	Pole sign
60	32802	Pacific Coast	Salt Creek Grille			yes	Pole sign
61	34344	Green Lantern	Cannons			no	Pole sign - 2
62	34184	PCH	Office Building				Pole sign - too many wall signs
63	34157	PCH	Harbor House Cafe				Pole sign
64	34190	PCH	Dentistry				Monument sign, too close to property line
65	34085	La Plaza	Raymar Cleaners				Roof-mounted, pole sign
66	34213	PCH	Office Building				Monument sign, too tall
67	34071	La Plaza	So. Coast Realty				Wall sign - facing adjoining property
68	24721	La Plaza	Doctor's Offices				Roof signs - 2

South Coast Region
CALIFORNIA
COASTAL COMMISSION
DEC 29 2000

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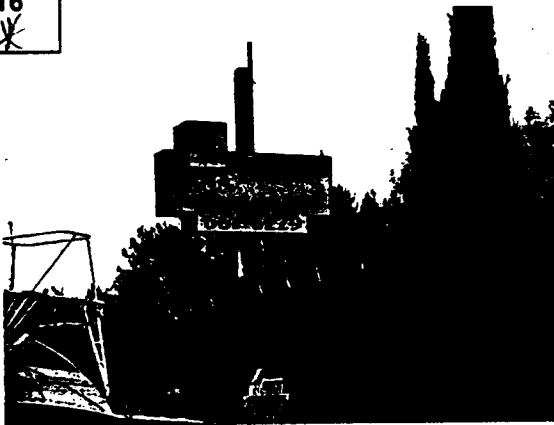
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COASTAL COMMISSION

SUPPORTING DOCUMENT A



COASTAL COMMISSION

EXHIBIT # 2
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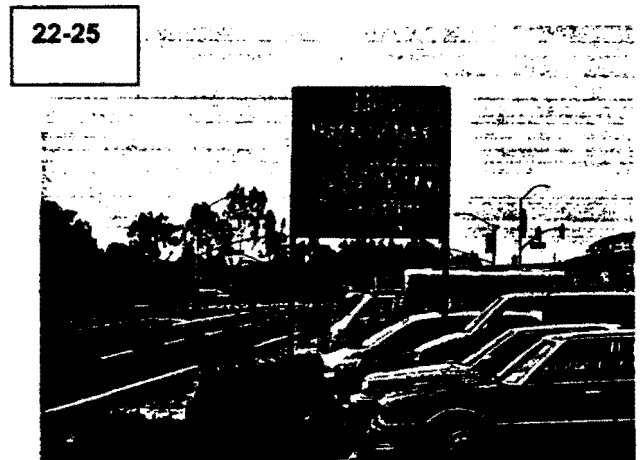
COASTAL COMMISSION

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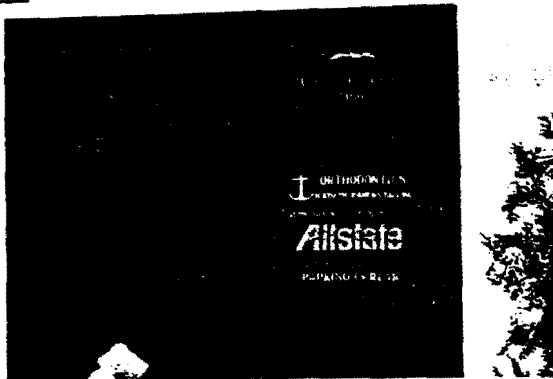
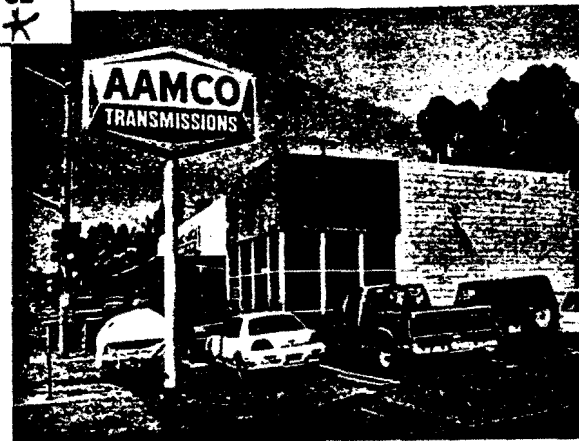
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Item #23



COASTAL COMMISSION

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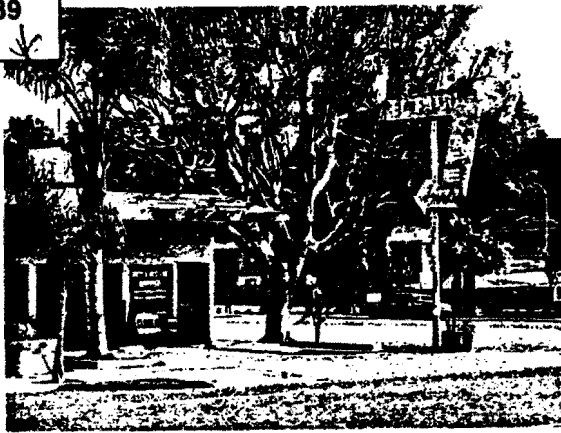
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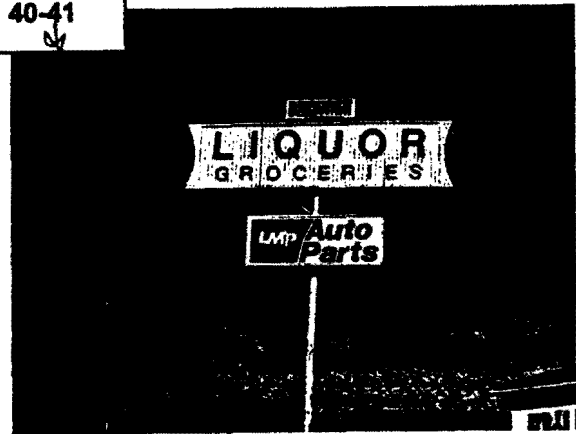
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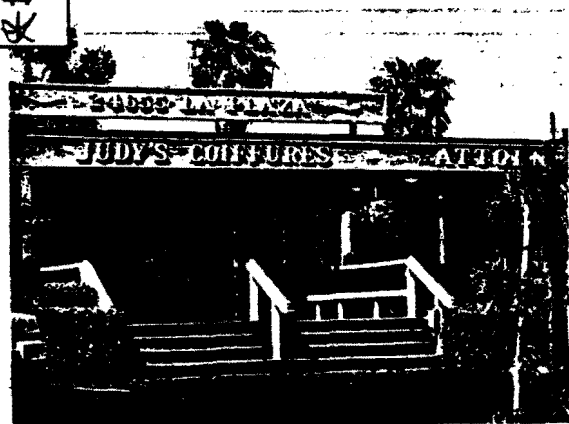
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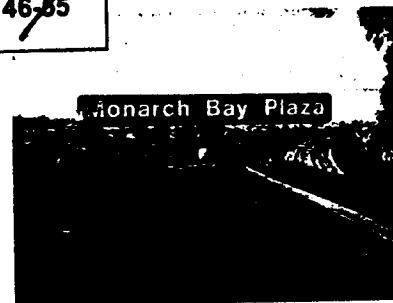
COASTAL COMMISSION

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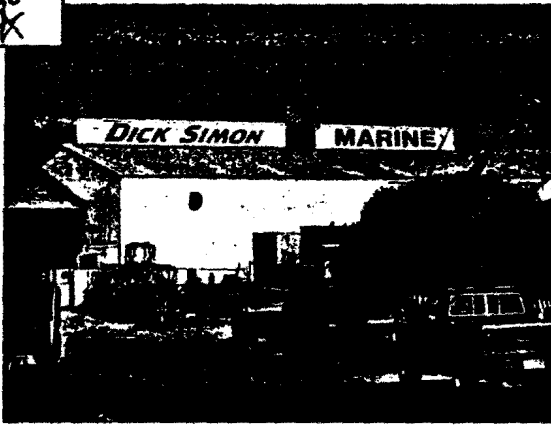
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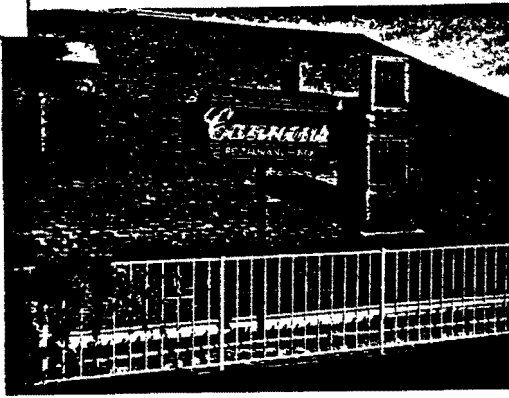
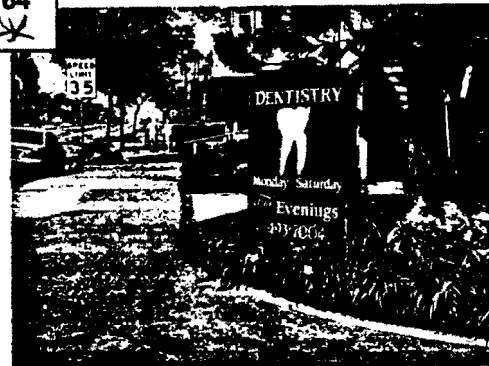


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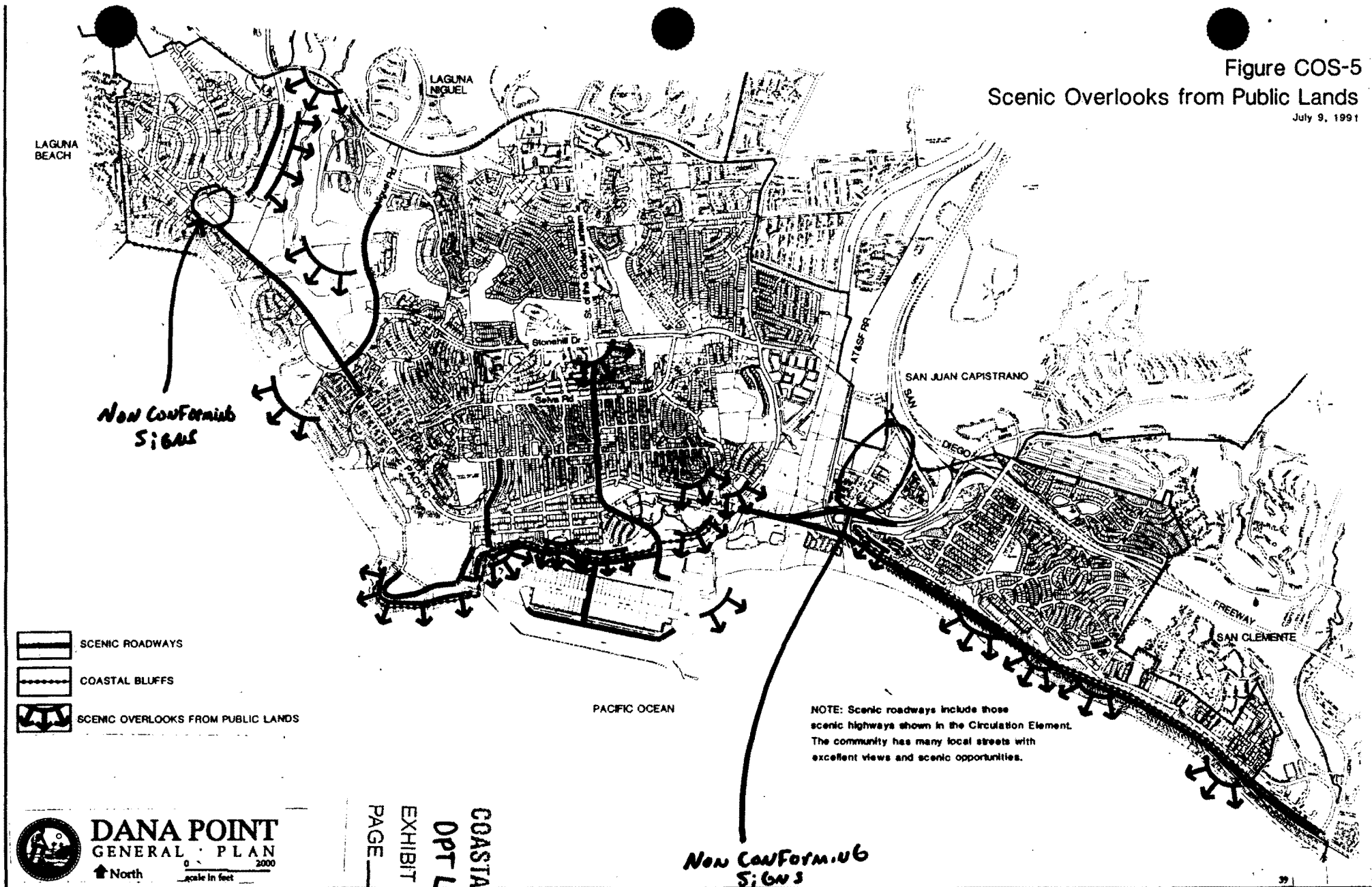
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COASTAL COMMISSION

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Figure COS-5
Scenic Overlooks from Public Lands
July 9, 1991



COASTAL COMMISSION
DPT LCPA 12-00
EXHIBIT # 3
PAGE 1 OF 1

LOCATION OF Non Conforming Signs within
Monarch Beach / Capistrano Beach vs. Public
Viewing Corridors

Chapter 9.37

SIGNS AND ADVERTISING DEVICES

Sections:

9.37.010	Intent and Purpose.
9.37.020	Definitions.
9.37.030	Administration and Enforcement.
9.37.040	Permits Required.
9.37.050	Permit Application.
9.37.060	Neon Sign Review.
9.37.070	Sign Programs.
9.37.080	Signs Requiring a Variance.
9.37.090	Permit Fees.
9.37.100	Permit Issuance.
9.37.110	Exemptions.
9.37.120	Political Signs.
9.37.130	Location and Height.
9.37.140	Materials, Design and Construction.
9.37.150	Permitted Signs.
9.37.160	Special Use Sign Permits.
9.37.170	Prohibited Signs.
9.37.180	Unsafe and Unauthorized Signs.
9.37.190	Nonconforming Signs.
9.37.200	Inventory and Abatement of Illegal or Abandoned Signs.
9.37.210	Historical Signs.
9.37.220	Maintenance and Operation.
9.37.230	Use of Product or Manufacturer Names in Signs.

9.37.010 Intent and Purpose.

The intent of this Chapter is:

- (a) To recognize that the primary purpose of signage is to identify, locate, and encourage businesses and events.
- (b) To encourage well designed consistent signage that is pleasing in appearance and compatible with community character while providing latitude for a variety of signage.
- (c) To eliminate potential traffic and safety hazards to motorists and pedestrians.
- (d) To maintain the attractiveness of the community and to enhance the character of the City as a place in which to live, work, play, and visit.
- (e) To promote the public health, safety, and general welfare of the citizens and business community of the City through quality sign standards.
- (f) To promote a high quality business environment by assuring signage is complementary to the City's urban design.

9.37-1

(Dana Point Zoning Code 3-97)

COASTAL COMMISSION
DPT LCRA 2-00

EXHIBIT # 4
PAGE 1 OF 39

9.37.010

The purpose of the provisions of this Chapter is to provide a reasonable and equitable system for regulation of the location, size, type, content, illumination, and number of signs, integrated as a part of the Zoning Code as set forth by this Chapter. (Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.020 Definitions.

(a) "A" Definitions.

Advertising Device — Any object, person, or animal including but not limited to banners, balloons, statues, flags, pennants, lights, portable signs, signs or landscaping, used to attract attention for the purpose of drawing attention to a site or promoting the sale of goods or services.

A-Frame Sign — A sign generally not securely attached or fixed to the ground or to a permanent structure used as a stationary advertising device and usually supported by two upright sign faces (also known as a "sandwich board").

Aggregate Area — The total area of sign and/or advertising device surface.

Alteration — Any change of copy, sign face, color, size, shape illumination, position, location, construction, or support of any sign or advertising device.

Animated Sign — A sign designed and constructed to attract attention through the movement of the whole or any part of the sign.

Area of Sign (for):

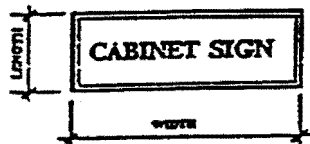
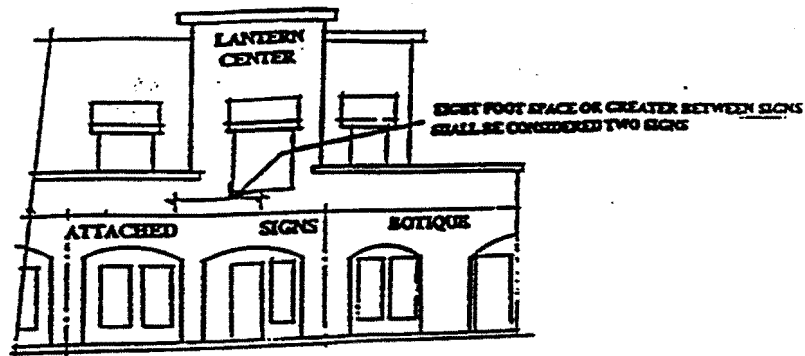
Attached Sign — Sign area for an attached sign shall be considered the entire area within which a single continuous perimeter of not more than eight (8) straight lines enclose the extreme limits of any writing, representation, emblem, or any figure or similar character together with any material or color forming any integral part of the display or used to differentiate such sign against which it is placed. Necessary supports or uprights on which the sign may be placed are excluded unless supports or uprights are designed in such a manner as to form an integral background or part of the display. When a sign has two or more faces, the area of all faces shall be included in determining the area of the sign except where two such faces are placed back to back. When a five (5) foot space or greater is provided between two advertising devices, sign area shall be calculated as two separate signs (Exhibit 9.37-1).

Detached Sign — Sign area for a detached sign shall be considered the entire area within which a single continuous perimeter of not more than eight (8) straight lines enclose the extreme limits of representation, emblem, or figure or similar characters. Necessary supports or uprights shall be excluded from sign area unless such uprights are designed in such a manner so as to form an integral part of the background or display. When a sign has two or more faces, the area of all faces shall be included in determining the area of the sign except where two such faces are placed back to back (see Exhibit 9.37-2).

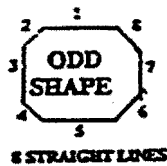
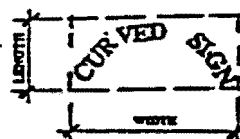
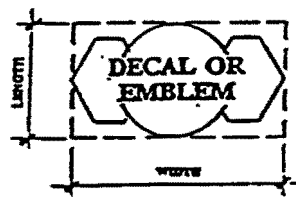
Attached Sign — Any sign or advertising device attached to a structure or building other than a freestanding pole, flag, or monument sign.

Awning — See Canopy.

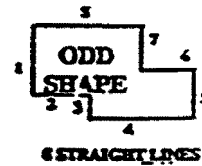
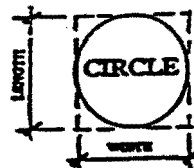
EXHIBIT 9.37-1
AREA OF ATTACHED SIGNS



8 STRAIGHT LINES



8 STRAIGHT LINES

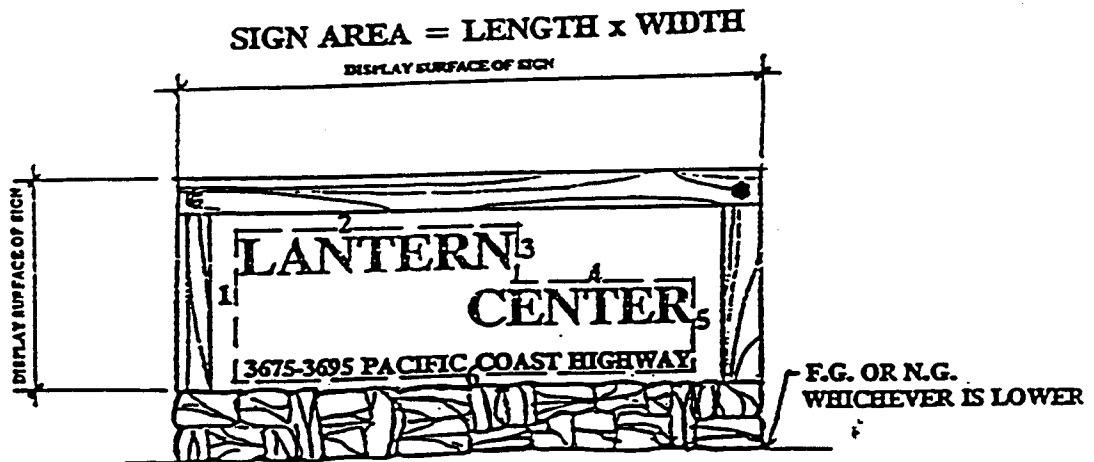
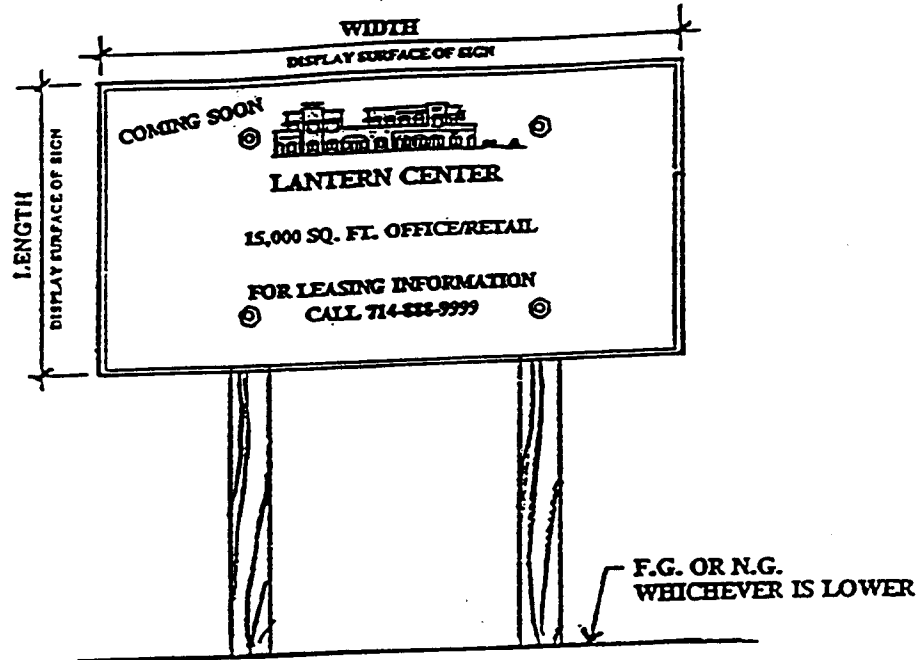


8 STRAIGHT LINES

SIGN AREA = LENGTH x WIDTH OR AREA CALCULATED
WITHIN NOT MORE THAN EIGHT
STRAIGHT LINES

9.37.020

EXHIBIT 9.37-2
AREA OF DETACHED SIGNS



SIGN AREA = AREA WITHIN NOT MORE
THAN 8 STRAIGHT LINES

(Dana Point Zoning Code 9-96)

9.37-4

COASTAL COMMISSION

EXHIBIT # 4
PAGE 4 OF 39

(b) "B" Definitions.

Balloon — A spherical, flexible, non-porous bag or similar object capable of being filled with air or gas such as helium. **Banner** — A sign usually constructed of cloth, paper, or other lightweight material used for the purposes of advertising a business, organization, service, product, or event.

Bench — A seat usually located upon or adjacent to the public right-of-way for the purpose of persons resting and which is capable of displaying a sign or advertising device.

Billboard — A freestanding or attached outdoor advertising sign capable of having interchangeable messages (generally related to off-site advertising).

Building Identification Sign — A sign which contains only the name of a building and/or the address of the building.

(c) "C" Definitions.

Campaign Sign — Campaign sign usually refers to a political sign but may include any advertising device or sign, not otherwise prohibited by this Section, which is designed to influence the passage or defeat of any measure on the ballot or designed to influence the voters with respect to the nomination, election, defeat, or removal of a candidate from public office at any national, state, or local election.

Canopy — A fixed structure of any material projecting from and connected to a building, column, or post or supported by a frame extending from a building and/or posts.

Canopy Sign — Any form of advertising or illumination attached, painted, or constructed for a canopy.

Center — A center can be commercial, industrial, or professional use, consisting of one or more buildings sharing common facilities such as off-street parking, access, or landscaping. In each case, a center will consist of two or more retail stores or businesses, but may not necessarily be under a single ownership.

Center Identification Sign — Any freestanding sign which identifies the name or address or directs attention to a center but that does not identify an individual business or activity and which does not contain trademarks, tradenames, logos, symbols, or any form of art that can be construed as a name of a single business.

Changeable Copy Sign — An advertising device which is capable of changeable text or graphics, regardless of method of attachment, which advertises events, services, or products.

Civic Activity Sign — A bulletin board or other similar advertising device incident to places of worship, hospitals, libraries, museums, and other similar public or non-profit institutions.

Construction Sign — A temporary sign on the premises listing the development, architect, engineer, planner, contractor, or other person or firm participating in the development, construction or financing of a development.

(d) "D" Definitions.

Detached Sign — Any freestanding sign or advertising device used to attract attention, including pole, flag and monument signs.

Directional Sign — Any on-site freestanding, non-flashing sign which is designed, erected, and maintained to serve as a public convenience in directing pedestrian and vehicular traffic, but not used for the purpose of advertising uses and activities on site.

(e) "E" Definitions.

Eave Line — That part of a roof which projects over or meets the wall.

Electric Sign — Any sign utilizing electricity to illuminate its surface.

Electronic Message Sign — A directly illuminated sign which presents variable advertising message displayed by electronically controlled lighting pattern against a contrasting background, and which may be programmed to change the message display periodically.

Externally Illuminated Sign — An electric sign designed and constructed to display artificial light for the purpose of advertisement or identification, including but not limited to exposed neon signs.

(f) "F" Definitions.

Fascia — A broad well defined horizontal member of color or material having the form of a flat band between the top of a wall and the eaves of a roof. The area used for identification over the front of a shop.

Flag — Cloth or other lightweight material of distinctive size, color, and design, used as a symbol, standard, signal, emblem, or a device used to attract attention.

Flag Sign — A permanent freestanding sign with its advertising device suspended by a post and beam support.

Flashing Sign — Any electric sign which intermittently flashes on and off, changes in intensity, or creates the illusion of flashing in any manner.

Freestanding Sign — A sign that is not attached to any building, but is securely attached and fixed to the ground.

Frontage, Building — The lineal measurement of a building facade which fronts on a street, landscaped area, and/or a parking area and is used to determine the maximum sign area and number of signs permitted for a given use.

Frontage, Street — The linear measurement of a lot along a public or private right-of-way but not including the lineal measurement along an alley, railroad, beach, freeway, or parking lot.

Fuel Price Identification Sign — A permanent sign, usually of a monument type, containing the prices and grades of fuel for sale at an automobile service station.

Future Facility Sign — A temporary sign denoting sale, lease, or rental of a site that is under construction.

Future Tenant Sign — A temporary sign denoting center name, tenant name, and type of use for a site that is constructed.

(g) "G" Definitions.

Garage Sale Sign — A temporary sign announcing the limited sale, from a private resident, of goods, furniture, clothing, or other similar articles.

(h) "H" Definitions.

Height of Sign — Sign height is calculated by measuring the vertical distance from the uppermost point of the sign to the ground directly beneath.

Historical Sign — A sign, which because of its character, age, or influence, is of historic significance to the community.

(i) **"T" Definitions.**

Identification Sign — A sign which serves to identify only the name, address, or trade of a business and sets forth no other advertising.

Illegal Sign — A sign not permitted or exempted by this Code.

Inflatable Sign — See Balloon.

Interior Sign — A sign located within the inside of a business which is not visible from any area outside the building which is open to the public.

Internally Illuminated Sign — An electric sign whose source of illumination is not visible to the viewer.

(j) **"J" Definitions.**

None.

(k) **"K" Definitions.**

Kiosk — A freestanding, round or multiple-sided structure whose main purpose is to display signs or information.

(l) **"L" Definitions.**

Linear Frontage — The horizontal measurement of a building face or site.

Logo — A name, symbol, feature, or trademark that represents a business, enterprise, group, or activity.

(m) **"M" Definitions.**

Major Tenant — Any tenant in a multi-tenant commercial center which either: occupies thirty (30) percent or more of the leasable square footage of the center; or has 5 or more locations in the region, state or nation.

Marquee — A permanent structure attached to and supported by a building and projecting over public or private right-of-way usually using changeable copy.

Mansard — A roof system having a steep slope, normally on all building sides, often used to screen roof top equipment.

Menu Board Sign — Sign displaying food items sold on the premises.

Mixed-Use Districts — Areas with land use and zoning designations for which both residential and non-residential uses are the primary permitted uses.

Monument Sign — A freestanding sign directly supported by a sign structure that is not narrower than the display surface of the sign.

Multi-Tenant Identification Sign — A single sign identifying each tenant or business individually.

Mural — A display or illustration painted on a building or wall within public view.

(n) **"N" Definitions.**

Neon Sign — An electric sign consisting of gas-filled tubing exposed to view.

Nonconforming Sign — A sign, billboard, or other advertising device which does not conform to the sign regulations as set forth in this Section or applicable zone or land use district.

Non-Residential Districts — Areas with land use and zoning designations for which commercial, industrial or recreational uses are the primary permitted uses.

(o) "O" Definitions.

Off-Site Sign — Any sign which is not located on the business or activity site it identifies or advertises.

On-Site Sign — Any sign which directs attention to an occupancy, business, service, or activity conducted, sold, or offered upon the premises where the sign is located.

(p) "P" Definitions.

Parapet — A low wall, railing, or screen to protect the edge of a platform or roof.

Pole Sign — Except for a flag sign, a freestanding sign directly supported by a sign structure that is narrower than the display surface of the sign.

Political Sign — Political signage usually refers to campaign signs, but may include any sign, not otherwise prohibited by this Section, pertaining to the conduct of government in general.

Portable Sign — Any sign not designed to be permanently attached to a building or permanently anchored to the ground.

Projecting Sign — A sign which projects from a wall more than six (6) inches.

Public/Quasi-Public Uses — Uses of a community-serving nature such as civic centers, churches, parks, hospitals, schools, etc.

Pump Sign — Signs displayed upon service station gas pumps for the purpose of advertising the sale of products incidental to the sale of gas and oil or other automobile service provided on the premises.

(q) "Q" Definitions.

None.

(r) "R" Definitions.

Real Estate Sign — A sign advertising the sale, lease, or rental of the premises on which the sign is located and maintained, excluding construction, future facility, and future tenant signs.

Residential Districts — Areas with land use and zoning designations for which residential uses are the primary permitted uses.

Roof — The upper covering of a building for weather protection or any architectural feature resembling the covering in design or material.

Roof Sign — Any sign which is erected, constructed, or maintained on or above a roof system, roof line, or parapet of any building.

(s) "S" Definitions.

Sandwich Board — See A-Frame Sign.

Service Station — A lot or a portion of a lot used for the servicing of motor vehicles including gas stations.

Sign — Any structure, object, display verbiage, illustration, emblem, and/or logo used to direct or attract attention to an object, person, institution, organization, business, service, or event. A sign may include, but is not limited to, words, numbers, symbols, posters, pictures, and other objects or characters similar in nature used to attract attention.

Sign Program — A program intended to provide incentive, latitude, and variety in order to achieve aesthetically appealing and compatible signage for shopping and professional office centers and industrial parks with two or more occupants. A sign program may also be applicable for a single business proposing two or more signs.

Sign Structure — The supports, uprights, braces, cables, framework, and display surface of a sign.

"Snipe" Sign — Any sign made of cloth, paper, cardboard, poster material, plastic, metal or other material affixed to or upon fences, posts, trees, buildings, people, or other structures or surfaces usually found off-site.

(t) **"T" Definitions.**

Temporary Sign — Any sign constructed of paper, cloth, canvas, fabric, cardboard, or other materials, including but not limited to flags, streamers, pennants, banners, and balloons, not intended for permanent display.

Time and Temperature Device — A device that displays the time or temperature whether or not it displays any advertising or establishment identification.

Transportation Shelter — A structure constructed for the use of persons waiting for transportation.

(u) **"U" Definitions.**

Under-Canopy Sign — A pedestrian-oriented sign which is perpendicular to the building and the pedestrian path, and is suspended from, or projects from the wall below a canopy or covered arcade. An Under-Canopy sign does not project beyond the canopy or covered arcade.

(v) **"V" Definitions.**

Vehicle Mounted Sign — Any sign or advertising device attached to any vehicle for the purposes of advertisement.

(w) **"W" Definitions.**

Wall Sign — Any sign or advertising device permanently attached to a building. A sign attached to a parapet shall be considered a wall sign.

Window Sign — Any sign exposed to public view, attached, painted, posted, or displayed, either permanently or temporarily, on or within one (1) foot of the interior or exterior surface of a window.

(x) **"X" Definitions.**

None.

(y) **"Y" Definitions.**

None.

(z) **"Z" Definitions.**

None.

Exhibits 9.37-3 through 9.37-9 depict many of the sign types described above and in the Permitted Sign Matrix, Section 9.37.150(a) through 9.37.150(f).

9.37.020

EXHIBIT 9.37-3
SIGN TYPES

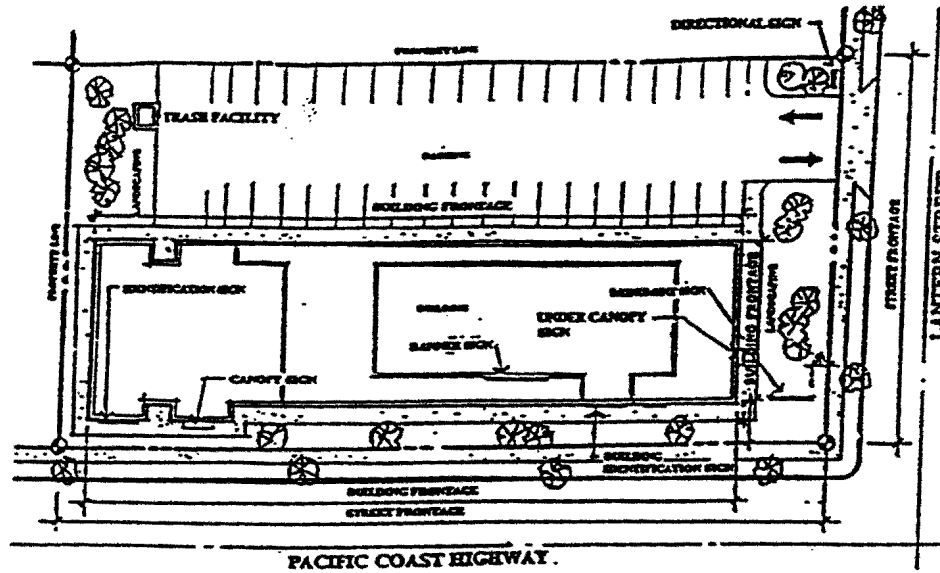
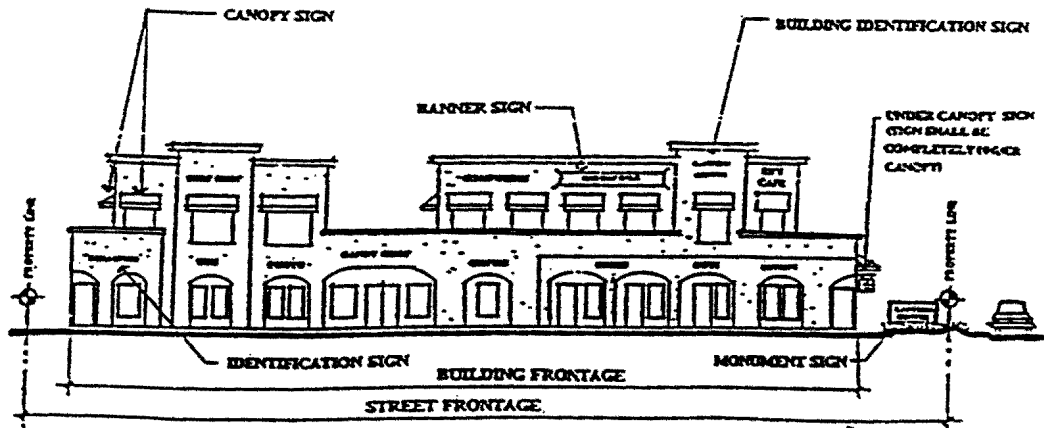


EXHIBIT 9.37-4
SAMPLE SIGN LOCATION ELEVATION



(Dana Point Zoning Code 9-96)

9.37-10

COASTAL COMMISSION

EXHIBIT # 4
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EXHIBIT 9.37-5
DIRECTIONAL SIGNS

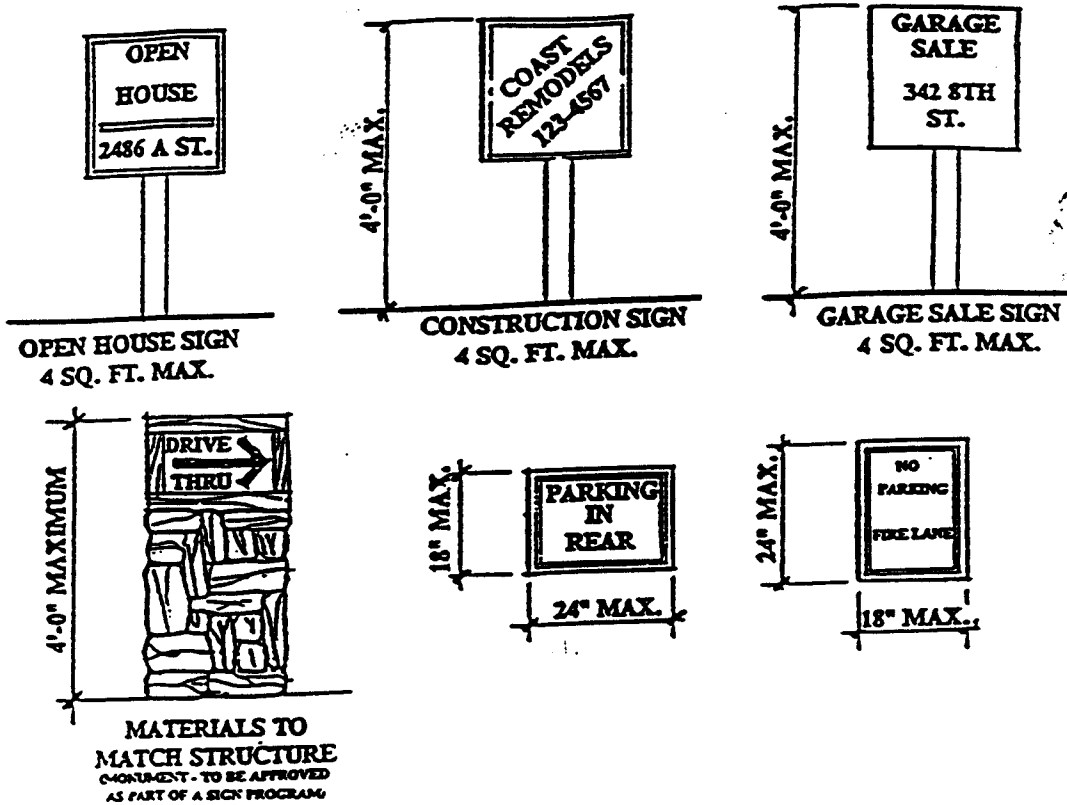
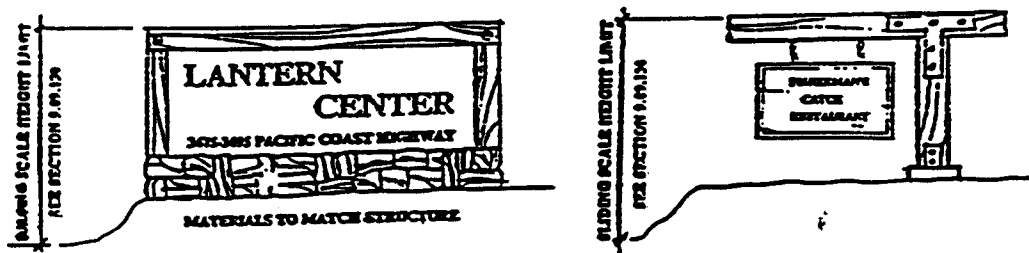


EXHIBIT 9.37-6
CENTER/TENANT IDENTIFICATION SIGNS
(FREESTANDING)



9.37.020

EXHIBIT 9.37-7
TEMPORARY FUTURE FACILITIES SIGN

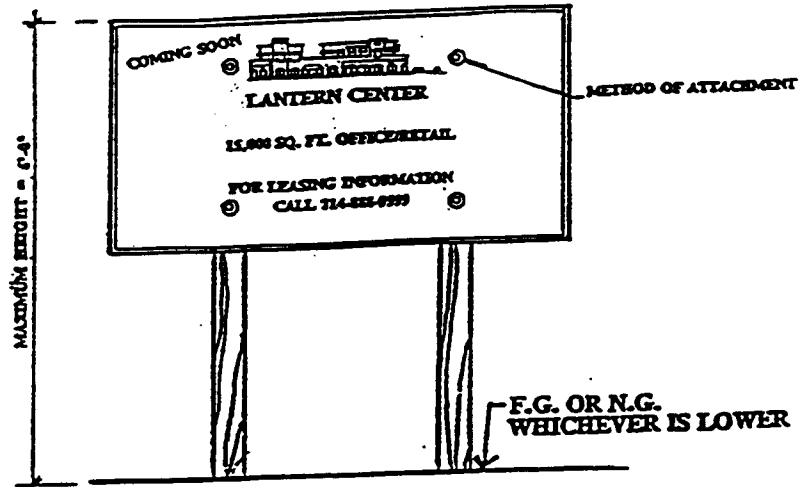
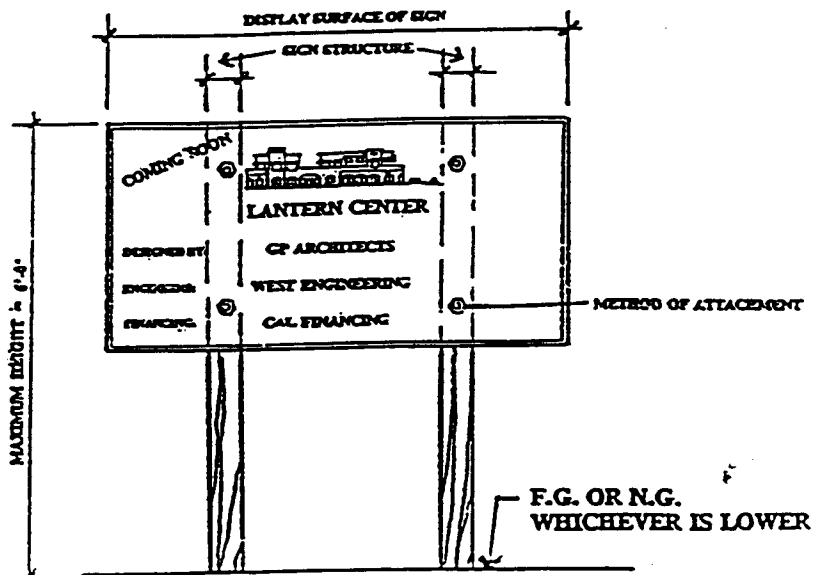


EXHIBIT 9.37-8
TEMPORARY CONSTRUCTION SIGN



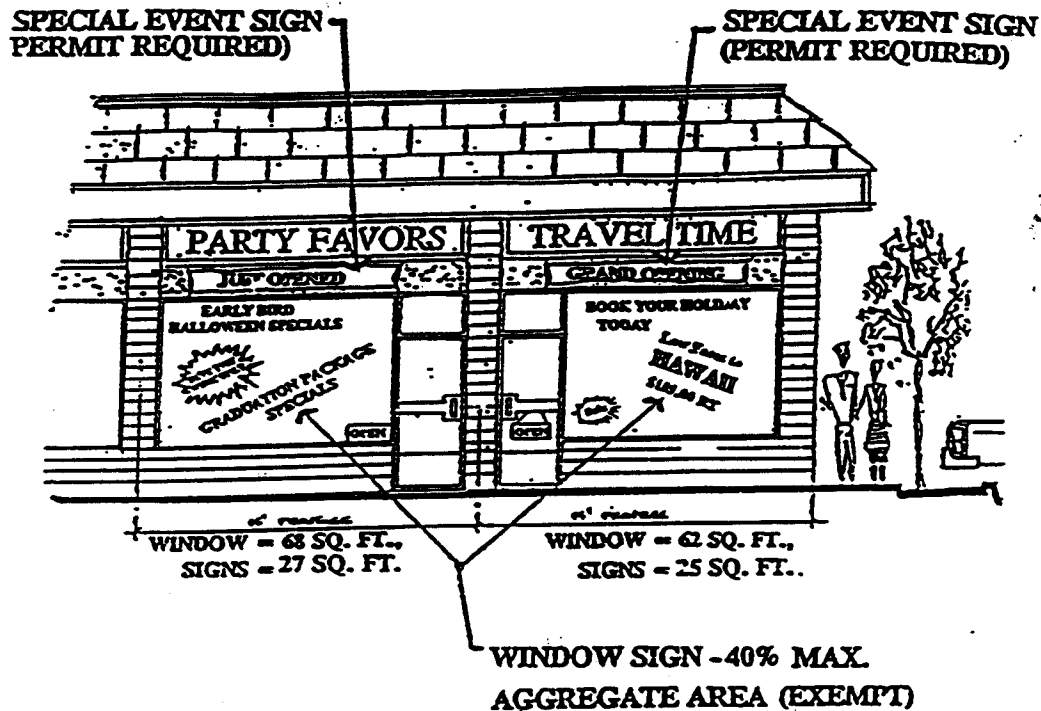
(Dana Point Zoning Code 9-96)

9.37-12

COASTAL COMMISSION

EXHIBIT # 4
PAGE 12 OF 39

**EXHIBIT 9.37-9
TEMPORARY SIGNS**



(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94; Ord. 94-09, 5/24/94)

9.37.030 Administration and Enforcement.

The Director of Community Development or his authorized designee shall have the authority to enforce all the provisions of this Chapter and the applicable provisions of the City of Dana Point Municipal Code. (Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.040 Permits Required.

No signs shall be erected, constructed, or altered except for maintenance or repair, except as provided for in this Section and unless a permit has been issued by the Director of Community Development. A separate permit shall be required for each sign or group of signs in one location. In addition to the requirements set forth in this Chapter, all applicable building and electrical permits shall be obtained in accordance with the Uniform Building Code and the Uniform Electrical Code. A tag issued by the City indicating the sign permit number shall be affixed to the sign so as to be readily visible. (Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.050

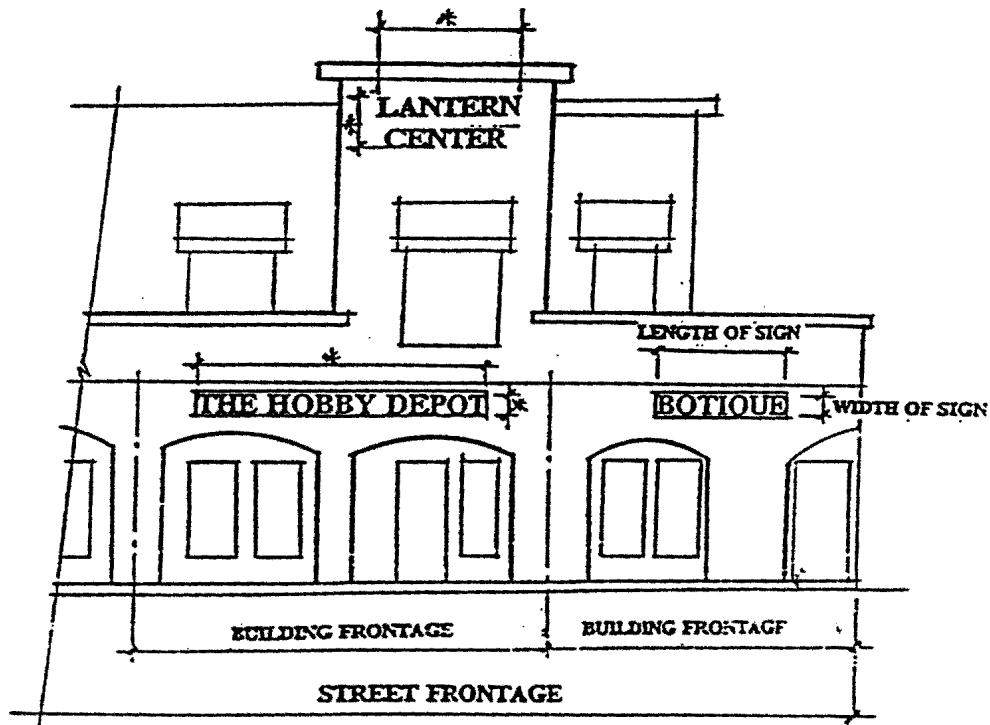
9.37.050 Permit Application.

An application for a sign permit shall be made in writing upon forms provided by the Department of Community Development. The application shall be signed either by the owner, lessee, or authorized agent of the premises on which the sign is located.

Permit application requirements shall include:

- (a) A completed application form.
 - (b) Plans, drawn to scale, to include the following:
 - (1) All sign details including sign area, dimensions, colors, materials, letter style, proposed copy, letter height and method of illumination.
 - (2) A site plan indicating the location of all existing and proposed signs with sign area, dimensions, colors, materials, letter style, proposed copy, letter height, and method of illumination.
 - (3) All building elevations with the proposed signs depicted on the elevations (see Exhibit 9.37-10).
 - (4) A deposit/fee as required by a Resolution of the City Council.
- (Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

**EXHIBIT 9.37-10
SAMPLE ELEVATION REQUIRED FOR
SUBMITTAL OF PERMITS**



(Dana Point Zoning Code 9-96)

9.37-14

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9.37.060 Neon Sign Review.

Prior to the issuance of a sign permit, neon signs shall be subject to review and approval by the Director of Community Development. The Director shall assure the neon sign is an aesthetic enhancement to the site signage, site design and surrounding area; and does not create visual incompatibility. Pursuant to this title, the Director's decision may be appealed to the Planning Commission. (Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.070 Sign Programs.

The purpose and intent of a Sign Program is to integrate signs with building and landscape design into a unified architectural statement. Sign programs may also be used to consider signage alternatives for developments which have unique tenant visibility problems, such as obscured lease space or complex access patterns. A Sign Program shall be subject to the review of the design, placement, size, content, and compatibility of the proposed signage by the Planning Commission and shall be in substantial compliance with Section 9.37.150 of this Chapter.

- (a) **Sign Program Required.** A Sign Program shall be required for any new or upgrading center with two (2) or more tenants on a site; for any new or upgrading single enterprise which proposes three (3) or more signs on a site; for any new multiple-unit residential project (attached or detached) which proposes two (2) or more signs on the project site; or for any sign proposal deemed necessary by the Director of Community Development and in the interest of the public health, safety and general welfare. A Sign Program may also be submitted for the consideration of sign proposals which are designed to address centers with limited tenant visibility. A Sign Program may vary from the requirements of Section 9.37.150, but in no event shall any sign identified as prohibited in Section 9.37.170 be permitted, nor shall the total area of all proposed signs exceed the maximum sign area allowed for a site.

A Sign Program shall not be required for an existing single- or multi-tenant commercial establishment, unless initiated by the property owner and/or tenants as part of an overall aesthetic upgrading of the building or center. However, new signage for sites without a Sign Program must conform with all other provisions of this Chapter.

- (b) **Application Requirements.** An application for any Sign Program shall be submitted for review and approval by the Director of Community Development or the Planning Commission in accordance with Chapter 9.61 of the Dana Point Zoning Code.

Sign Program application requirements shall include:

- (1) A completed application form.
- (2) Plans, drawn to scale, including the following:
 - (A) All sign details including sign area, dimensions, colors, materials, letter style, proposed copy, letter height and method of illumination.
 - (B) A site plan indicating the location of all existing and proposed signs with sign area, dimensions, colors, materials, letter style, letters height and method of illumination; and definition of type of signage, such as center identification signage or tenant identification signage.
 - (C) All building elevations with sign area and location depicted.

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- (3) A deposit or fee as required by a Resolution of the City Council.
 - (4) A letter of justification delineating how the proposed Sign Program is consistent with the intent of this Chapter.
 - (5) Any other information as may be required by the Director of Community Development.
- (Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94; Ord. 94-09, 5/24/94; Ord. 96-10, 8/13/96)

9.37.080 Signs Requiring a Variance.

Any proposed sign which deviates from any development standard set forth in this Chapter, except as may be permitted through a Sign Program pursuant to Section 9.37.070, shall require approval of a Variance in accordance with Chapter 9.67 of the Dana Point Municipal Code. However, the use or establishment of a sign or device which is prohibited pursuant to Section 9.37.170 shall not be permitted by a Variance. (Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94; Ord. 96-10, 8/13/96)

9.37.090 Permit Fees.

A sign permit and plan check fee for each sign permit shall be paid to the Community Development Department prior to the issuance of a sign permit in accordance with the schedule of fees established by a resolution of the City Council. (Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.100 Permit Issuance.

The Director of Community Development shall determine whether the proposed sign and related discretionary approvals with respect to construction, location, and materials conform to all applicable City ordinances, regulations, and the provisions of this Chapter. Any permit may be revoked in accordance with Section 9.61.110 of the Dana Point Municipal Code should any of the provisions set forth in this Chapter, any provision of this Code, or other applicable regulations and ordinances be violated by the permittee. (Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.110 Exemptions.

The provisions and regulations of this Chapter shall not apply to the following signs, nor shall the area of such signs be counted toward the maximum allowable sign area for any premises or use.

- (a) Directional or informational signs provided they are:
 - (1) Each no more than two and one-half (2½) square feet in area;
 - (2) Contain no advertising message; and
 - (3) Are located entirely on the business premises.
- (b) Four (4) Real Estate Open House or Garage Sale directional signs per intersection provided they are:
 - (1) Each no more than four (4) square feet in area;
 - (2) Contain no advertising message;
 - (3) Are located entirely on private property; and
 - (4) Not in excess of one per public street corner, per direction.

- (c) Signs for the convenience of the public, such as signs identifying restrooms, public telephones, walkways, and similar features or facilities, provided such signs are:
- (1) Each no more than one and one-half (1½) square feet in area;
 - (2) Contain no advertising message; and
 - (3) Are located entirely on the business premises.

9.37-16.1

(Dana Point Zoning Code 3-97)

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- (d) Memorial signs on tablets or plaques (intended to convey historical connotations), including names of buildings or sites, and dates of erection when cut into or attached to the surface or the facade of the building. Said signs and size may be exempted if deemed a memorial sign by the Director of Community Development.
- (e) Signs exclusively regulated by the state, traffic or municipal signs, signs required by law, railroad crossing signs, legal notices, and emergency or danger notices; provided such signs:
 - (1) Shall not exceed twelve (12) square feet in area unless otherwise specified by law;
 - (2) Contain no advertising message; and
 - (3) Shall not be more than one (1) sign per street frontage unless otherwise required by law.
- (f) Emergency, temporary, and non-advertising signs as may be authorized by the City Council, including City-sponsored seasonal and promotional banners.
- (g) Signs of public utility companies and private contractors indicating danger or which serve as an aid to public safety, or which show the location of underground facilities.
- (h) One (1) real estate sign per street frontage provided such sign:
 - (1) Is located entirely on the property offered for sale or lease; or on private property;
 - (2) Does not exceed six (6) feet in height;
 - (3) Does not exceed four (4) square feet in area; and
 - (4) Is removed upon the close of escrow or when the rental or lease has been accomplished, whichever event occurs first.
- (i) Street addressing, house numbers, nameplates, "No Trespassing," "No Parking," and other warning signs consistent with City Codes, provided the signs:
 - (1) Do not exceed two and one-half (2½) square feet in area; and
 - (2) Are located entirely on-site.
- (j) Signs located in the interior of any building which are not visible from any public or private right-of-way.
- (k) One of each of the following flags:
 - (1) United States of America;
 - (2) State of California; and
 - (3) One other flag.
- (l) Temporary, removable non-illuminated, window signs with the following provisions:
 - (1) The signs do not exceed forty (40) percent of the total window area for the building elevation on which they are located;
 - (2) The signs are not erected or installed in a permanent manner;
 - (3) The signs complement the building and permanent signage; and
 - (4) Additional signage shall be subject to the provisions of Section 9.37.160.
- (m) Traditional Christmas signs and lights within any commercial and residential zone so long as they meet City Fire Codes, do not cause a detriment to the public health, safety, or welfare, and are displayed only between November 1st and January 10th, inclusive.

(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.120

9.37.120 Political Signs.

Political signs, as defined in Section 9.37.020, including their supporting structures shall be permitted in all zones, provided that:

- (a) No sign shall be permitted on or to extend over any public property, public easement, or in the public right-of way;
- (b) Political signs shall not be posted in a manner which obstructs traffic or street signs or devices. In addition, all political signs shall be posted in a manner which preserves the lines of sight as set forth in Section 9.05.090;
- (c) All political signs pertaining to a particular election shall be removed within ten (10) days after the date of the election;
- (d) The candidate, committee, or any other authorized person posting political signs shall insure that all signs include the name, address and the required committee identification number of the campaign or political organization, if any.
- (e) If the Director of Community Development finds that any political sign has been posted or is being maintained in violation of the provisions of this Section, the Director may cause said sign to be removed without prior notice. Any political sign that remains posted for more than fourteen (14) days after the election to which it pertains shall be deemed abandoned. The Director may also cause such abandoned signs and any signs which constitute an immediate peril to persons or property to be removed summarily and without prior notice.

(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94; Ord. 94-09, 5/24/94)

9.37.130 Location and Height.

- (a) All signs, unless otherwise provided for in this Chapter, shall be erected upon the premises occupied by the person or business sought to be identified by such signs.
- (b) No sign shall be located upon or project over a public right-of-way, except signs promoting civic and non-profit activities sponsored by the civic and non-profit organizations subject to the review and approval of the Director of Community Development and in accordance with Section 9.37.160 (Special Use Sign Permits).
- (c) No sign shall be attached to any public utility pole or public property except non-advertising signs or public notices of public utility companies as may be required in their operations which provide service for the health and welfare of the general public or as required by any Federal or State law or agency thereof.
- (d) No sign shall be placed in such a manner that the visibility of a sign on adjacent properties is obscured as viewed from a public or private right-of-way.
- (e) No sign shall extend above the eave line or parapet of the building on which it is located.
- (f) Signs shall be placed at or near the entrance to a building or site to indicate the most direct access to the business.
- (g) The maximum height of permanent detached signs shall be as follows: ‡

**Maximum Sign and
Berm Height (in feet)**

3.5
5
10
15
20

**Sign Setback From Nearest Ultimate
Property Line (in feet)**

0 — 5
5.1 — 10
10.1 — 15
15.1 — 20
20 +

Sign height shall be measured from the ground (finished grade) directly surrounding the sign to the top of the sign. When signs are constructed on hillsides or embankments where the sign supports are at varying lengths, height shall be measured from the horizontal mid-point of the sign. Signs may exceed the maximum height if approved in conjunction with a variance in accordance with Section 9.37.080.

- (h) Signs located within any required building setback, access intersection or street intersection area shall be located in accordance with the sight distance requirements of Section 9.05.090. Signs over three and one half (3½) feet tall shall be setback a minimum of five (5) lineal feet from the property line. No sign shall be located so as to promote a safety hazard as determined by the Director of Community Development.

(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94; Ord. 94-09, 5/24/94)

9.37.140 Materials, Design and Construction.

- (a) All signs shall be constructed of permanent materials, including but not limited to, metal, wood, acrylic or other comparable durable weatherproof materials. No material more combustible than treated wood shall be used in the construction of any permanent sign.
- (b) Any sign support used in the construction of any permanent sign shall be reviewed as part of the sign application. Brackets or other structural elements that contribute to the architecture or in any way contribute to the advertisement of a business shall be calculated as part of the aggregate area of signage permitted for the site.
- (c) Design, color, and scale of the sign shall be in keeping with the design elements in the General Plan, respective Specific Plan or Planning Area, and/or with the existing and surrounding architecture.
- (d) Signs may be internally or externally illuminated. Internal illumination is from the interior of a sign, behind letters (back lighting), channel lighting, or other internal lighting source. Letter and logos may be internally lit but the sign background shall be opaque. External illumination is located outside of the sign and is focused to illuminate the exterior of the sign. External lighting shall be designed so as not to reflect glare or visually disturb surrounding land uses or function. Illumination shall be considered excessive when it prevents the normal perception of buildings or structures beyond or in the vicinity of the sign or when it is disruptive to residential zones or any public or private right-of-way.
- (e) Sign colors and materials should be selected to be compatible with the existing building designs and should contribute to legibility and design integrity.

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- (f) Sign colors and materials should be selected that provide a contrast between the background color(s) and the lettering.

(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.150 Permitted Signs.

The following table identifies the signs permitted in each land use district. In addition to the following regulations, all signs must be in compliance with all other provisions of this Chapter.

All signs shall be governed by the following matrix, except if specifically addressed elsewhere in this Chapter. Where contradictory, the more restrictive standards will apply. The matrix lists standards for the type, maximum number, aggregate area, maximum height of signs, and additional standards. In addition to the listed standards, each sign shall comply with the requirements set forth in each specific district or zone, and all other applicable City standards and ordinances. Consideration shall also be given to the overall appearance of the property and the surrounding neighborhood. The Planning Commission may adopt separate sign standards or provisions for specific sites or areas.

(a) Permitted Temporary Signs in Residential Districts.

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(1) Construction Sign	Freestanding or Wall	Yes	One per building site or street frontage	32 sq. ft.	6 feet	(A) Copy shall be limited to the name of the project and may denote firms such as architectural, engineering, or construction firms engaged in work on the site. (B) A legal building permit must be issued for the site prior to sign erection. (C) Sign shall be removed upon issuance of the first certificates of use and occupancy. (D) A construction and future facility sign may be permitted simultaneously as long as the total signage does not exceed 50 square feet.
(2) Future Facility	Freestanding or Wall	Yes	One per building site or street frontage	32 sq. ft.	6 feet	(A) Sign shall be removed prior to occupancy of 50% of the buildings on site. (B) Copy may include sale, lease, or rental of the property on which the sign is located in lieu of a real estate sign. (C) Sign permits shall be valid for one year. However, prior to expiration of time period, the City may grant an extension of not more than one year. (D) A future facility sign may only be permitted upon removal of a construction sign, unless the combined area of the construction and future facility signs does not exceed 50 square feet.

Note: See footnotes on Page 9.37-29.

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CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(3) Open House Sign	Freestanding	No, unless proposed in conjunction with a temporary sales facility	One sign per corner per direction, plus one sign per site	4 sq. ft.	4 feet	(A) Open house signs may be displayed only until dusk and when the property is available for inspection. (B) Placement shall be permitted on private property only. (C) Signs shall be placed so that they do not obscure and are not attached to fire hydrants, traffic signals/signs or otherwise inhibit or interfere with vehicular or pedestrian traffic. (D) No wind signs (flags, balloons) shall be displayed. However, one flag shall be permitted on site.
(4) Remodelling Sign	Freestanding or Wall	No	One per building site	4 sq. ft.	6 feet	(A) Copy limited to name of firm engaged in home repairs, remodels, pool installation, etc. (B) Sign shall be removed upon completion of work and prior to final inspection.
(5) Real Estate Sign	Freestanding or Wall	No	One per street frontage	4 sq. ft.	6 feet	(A) Copy may include only information relating to the sale, lease or rental of the premises on which the sign is located. (B) Signs shall be removed upon close of escrow or when lease or rental has been accomplished.
(6) Garage/Yard Sale Sign	Wall, Window or Freestanding	Yes	One per site, or as deemed appropriate with a special event permit	32 sq. ft., or as defined by a special event permit	Below the eave line	(A) A Special Event Permit is required pursuant to Section 9.37.160(a), Special Event Signs and Chapter 9.39. (B) Special event signs are to be removed on or before date of permit expiration.

Note: See footnotes on Page 9.37-29.

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(b) Permitted Permanent Signs in Residential Districts.

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(1) Tract Identifi- cation	Freestanding or Wall	Yes	One per street frontage or one on each side of an entrance	1 sq. ft. per lineal foot of street frontage up to 100 square feet maxi- mum or as defined by an approved sign program	Wall: 6 feet Freestanding: 5 feet	(A) Signs shall be affixed to a perimeter wall or placed within a landscaped planter. (B) Copy shall be limited to 18 inches in height. (C) Location to be determined at time of sign program approval. (D) Freestanding signs shall be of a monument type. (E) Signs may be seven feet in height if height includes a two-foot high landscaped overall berm.
(2) Rent/Leasing Identification Signage (Apartment complexes only)	Freestanding or Wall	Yes	One per complex or entrance	12 sq. ft.	Wall: Below the eave line Freestanding: 5 feet	(A) Signage shall be approved as part of a comprehensive sign program. (B) Signs may be seven feet in height if overall height includes a two-foot high landscaped berm
(3) Directional	Freestanding or Wall	No	Minimum number necessary to pro- vide adequate information and direction	2½ sq. ft. per sign	Wall: Below the eave line Freestanding: 4 feet	(A) Copy limited to directional signage as defined in this Section. (B) Signage to be included with a com- prehensive sign program.
(4) Site Directo- ry/Occupant Listing (Condomini- um Complex)	Freestanding or Wall	Yes	One per site, or as dictated by the sign program	24 sq. ft., or as dictated by the sign program	6 feet	(A) Signs to be approved in conjunction with the approved sign program.

Note: See footnotes on Page 9.37-29.

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(c) Permitted Temporary Signs in Mixed Use and Non-Residential Districts.

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(1) Construction Sign	Freestanding or Wall	Yes	One per building or leased parcel, or one per street frontage	32 sq. ft.	6 feet	(A) Copy shall be limited to the name of the project and may denote firms such as architectural, engineering, or construction firms engaged in work on the site. (B) A legal building permit must be issued for the site prior to sign erection. (C) Sign shall be removed upon issuance of the first certificates of use and occupancy.
(2) Future Facility	Freestanding or Wall	Yes	One per building or street frontage	32 sq. ft.	6 feet	(A) Sign shall be removed prior to occupancy of 50% of the buildings on site. (B) Copy may include sale, lease, or rental of the property on which the sign is located in lieu of a real estate sign. (C) Sign permits shall be valid for one year. However, prior to expiration of time period, the City may grant an extension of not more than one year. (D) A future facility sign may only be permitted upon removal of a construction sign, unless the combined area of the construction and future facility signs does not exceed 50 square feet.
(3) Future Tenant	Freestanding	Yes	One per building site or street front- age	32 sq. ft.	6 feet	(A) Only permitted in lieu of a construction/future facility sign. (B) Copy shall be limited to center name, tenant name, and type of use. (C) Sign shall be removed at time of installation of permanent sign for a single business on a separate parcel or when a comprehensive sign program is approved for a multiple tenant site.

Note: See footnotes on Page 9.37-29.

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CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(4) Real Estate	Freestanding or Wall	Yes	One per street front- age	12 sq. ft.	Wall: Below the eave line Freestanding: 6 feet	(A) Copy shall pertain only to the sale, rent, or lease of the building property. (B) Sign shall be removed upon close of escrow or when lease or rental has been accomplished. (C) Sign may only be erected in lieu of a construction and/or future facility sign.
(5) Portable Sign	Freestanding	Yes	One per business entity per site	12 sq. ft.	4 feet	(A) Sign(s) shall be designed and displayed in conformance with Section 9.37.160(b), Portable Signs.
(6) Special Event Sign	Wall, Window and Freestand- ing	Yes	One per site per street frontage or as deemed appropriate with a special event permit	32 sq. ft., or as defined by a special event permit	Below the eave line	(A) A special event permit is required pursu- ant to Section 9.37.160(a), Special Use Sign Permits, and Section 9.39.070. (B) Special event signs are to be removed on or before date of permit expiration.
(7) Window Sign	Affixed to window only	No	No limit	40% of the aggre- gate area of the window	N/A	(A) Window signage shall conform to the provisions of Section 9.37.110(1).
(8) Remodeling Sign	Freestanding or Wall	No	One per building site	4 square feet	Wall: 6 feet Ground: 4 feet	(A) Copy limited to name or firm engaged in repairs, remodels, installations, etc. (B) Signs shall be removed upon completion of work and prior to final inspection.

Note: See footnotes on Page 9.37-29.

9.37.150(d) Permitted Permanent Signs in Mixed Use and Non-Residential Districts (for Commercial Centers).

Note: Total of all allowable signage is based on total street frontage unless otherwise noted.

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(1) Center Identification Sign	Freestanding	Yes	Two: (One freestanding sign allowed for each street frontage)	1 sq. ft. per lineal foot of lot frontage up to 100 square feet	5 feet (or as determined by an approved Sign Program)	(A) Sign shall contain the name of the center (if any) and/or the name(s) of major tenant(s). (B) Sign shall include the address of the site. (C) Sign shall be approved as part of a Sign Program. (D) Sign shall be of a monument type. (E) Sign may be up to seven feet in height if height includes a maximum two foot high landscape berm.
(2) Tenant Identification Sign	Wall or Window	Yes	Four: (One sign allowed for each street frontage, parking lot frontage or interior courtyard frontage)	1 sq. ft. per lineal foot of building frontage on a public right-of-way, parking lot or interior courtyard	Below the eave line	(A) Signs may be located on building elevations with street frontage or main public entrance. (B) Signs installed above the first floor may be installed adjacent to the entrance. (C) Two or more signs requires approval of a Sign Program. (D) Under canopy signs shall be centered above a window or entrance.
(3) Directional Signage	Freestanding or wall	No	Minimum number necessary to provide adequate information and direction	2½ square feet per sign	Wall: Below the eave Freestanding: 4 feet	(A) Copy limited to directional signage as defined. (B) Signage to be included with a comprehensive sign program.
(4) Menu Board	Freestanding or Wall	Yes	One per drive through lane	20 sq. ft.	6 feet	(A) Shall be approved as part of a comprehensive sign program. (B) Shall not be readily visible from any public right-of-way. (C) Sound shall not exceed 45 dBA at any point within 20 feet of the sign. (D) Shall include independent speaker pedestal or order placing/confirmation equipment.

Note: See footnotes on Page 9.37-29.

9.37.150(e) Permitted Permanent Signs in Mixed Use and Non-Residential Districts (for Single Tenant Sites).
Note: Total of all allowable signage is based on total street frontage unless otherwise noted.

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(1) Center Identification Sign	Freestanding	Yes	Two: (One freestanding sign allowed for each street frontage)	1 sq. ft. per lineal ft. of lot frontage up to 100 square feet	5 feet (or as may be permitted by an approved sign program)	(A) Sign shall only include the name and address of the tenant. (B) Sign shall be approved as part of a Sign Program. (C) Sign shall be of a monument type. (D) Sign may be up to seven feet in height if height includes a maximum two foot high landscape berm.
(2) Tenant Identification Sign	Wall, Canopy, or Window	Yes	Four: (One sign allowed for each street frontage, parking lot frontage or interior courtyard frontage)	1 sq. ft. per lineal ft. of building frontage on any public right-of-way, parking lot or interior courtyard	Wall: Below the eave line	(A) Signs may be located on building elevations with street frontage or main public entrances. (B) Sign installed above the first floor may be installed adjacent to the entrance. (C) Three or more signs requires approval of a Sign Program. (D) Under canopy signs shall be attached centered above a window or entrance.
(3) Directional Signage	Freestanding	No	Minimum number necessary to provide adequate information and direction	2½ square feet per sign	Wall: Below the eave Freestanding: 4 feet	(A) Copy limited to directional signage as defined. (B) If a Sign Program is otherwise required, the directional signage shall be included.
(4) Menu Board	Freestanding or Wall	Yes	One per drive through lane	20 sq. ft.	6 feet	(A) Shall be approved as part of a comprehensive sign program. (B) Shall not be readily visible from any public right-of-way. (C) Sound shall not exceed 45 dBA at any point within 20 feet of the sign. (D) Shall include independent speaker pedestal or order placing/confirmation equipment.

Note: See footnotes on Page 9.37-29.

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(f) Special Sign Requirements for Service Stations.

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(1) Identification Sign	Freestanding	Yes	One per site	20 square feet if sign contains only identification and no changeable copy panels for pricing. If price information is incorporated in the identification sign, the total square footage may be 32 square feet.	4 feet	(A) Service stations with an associated convenience store shall be limited to a 20 square foot identification sign. (B) Signs shall be located within a landscape planter and may not be located closer than five (5) feet to the property line.
(2) Fuel Price Information	Freestanding	Yes	One per street frontage	12 square feet per sign	4 feet	(A) Price signs shall advertise fuel prices only and no other products available. (B) Signs shall be completely located within a landscape planter area. (C) Signs shall only be permitted in lieu of the provisions of a 32 square foot identification sign. (D) The total square footage of sign including attached or detached signs shall not exceed an aggregate of 100 square feet in area.
(3) Attached	Wall or Canopy	Yes	One per street frontage	1 sq. ft. per lineal foot of building frontage	Wall - below the roof line Canopy - confined to canopy fascia, canopy columns or other structural elements below the canopy	(A) The total square footage of sign including attached or detached signs shall not exceed aggregate of 100 square feet in area.

Note: See footnotes on Page 9.37-29.

(Osaka Point Zoning Code 3-97)

9.37-28

COASTAL COMMISSION

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(4) Information/ Instruction Signs	Attached to island column	No	One per canopy column	3 square feet	10 feet	(A) No other signs shall be permitted on the canopy or columns. (B) Signs encompassed within a fuel pump or required by State or Federal Government shall not be regulated by this Code. (C) No signs shall be permitted to be displayed on top of attachment to or suspended from any pump.

(g) Special Sign Requirements for Public/Quasi-Public Uses.

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(1) Identification (Detached)	Freestanding or Wall	Yes	One per site	1 square foot per lineal foot of street frontage not to exceed 50 square feet per street	4 feet	(A) Sign shall be located within a landscaped planter. (B) Additional signage may be permitted subject to a sign program (i.e., booster signage for baseball diamonds).
(2) Identification (Attached)	Wall	Yes	One per use or building frontage	1 square foot per lineal foot of building frontage not to exceed 24 square feet	Below the entire line	

Footnotes for Section 9.37.150(a) through 9.37.150(g):

- 1) The maximum site sign area is 1 square foot of sign area per linear foot of building site frontage on a public street, up to a maximum of 100 square feet. A greater maximum site sign area may be allowed for multi-tenant commercial developments subject to approval of a Sign Program and based on building frontage.
- 2) The maximum allowable height of a sign must also comply with the height/setback requirements of Section 9.37.130(g).
- 3) Illuminated signs located in residential districts may only be externally illuminated.

(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94; Ord. 94-09, 5/24/94; Ord. 94-21, 12/13/94; Ord. 96-10, 8/13/96)

9.37.160 Special Use Sign Permits.

The purpose of the Special Use Sign Permits section is to permit and regulate the use of: temporary banners, pennants, and flags in conjunction with special events; and portable signs in conjunction with normal business operations for both profit and nonprofit organizations.

- (a) **Special Event Sign Permit.** The use of banners, pennants, flags, and other temporary signage which are used to promote or advertise special events, civic activities, grand openings, and special sales are permitted when erected in an approved location and only upon obtaining a Temporary Site Development Permit as defined in Chapter 9.71 of the Dana Point Municipal Code; the provisions as set forth in this Section; and, where applicable an encroachment permit. Applications for special event banners, pennants, and flags shall be filed with the Department of Community Development on forms furnished by the Department.

Special events held outdoors in tents, unfinished structures, or in occupancies not approved for general use shall comply with the provisions as set forth in this Section and Chapter 9.39 of the Dana Point Municipal Code.

- (1) **Center or Business Organizations.** A business center or individual business may be granted a permit to display on-site temporary banners, pennants, and flags for a maximum of sixty (60) days within a twelve (12) month period. This can be accrued in any multiple or consecutive days up to sixty (60) days. A temporary banners, pennants, and flags permit shall be submitted for review and approval to the Director of Community Development subject to the provisions listed below. If approved, a certificate of approval shall be issued including the expiration date.
- (A) Total temporary banners, pennants, and flags shall not exceed a total aggregate area of more than one (1) square foot per lineal foot of building frontage on a public street, and shall not exceed a total aggregate area of thirty-two (32) square feet. Building sites with one hundred (100) lineal feet of frontage or more on a public street may be permitted an aggregate area of banners, pennants, and flags not to exceed fifty (50) square feet. Tenants or sites with less than twenty-four (24) lineal feet of building frontage may be permitted twenty-four (24) square feet by right. Individual tenants within a center may be permitted a total aggregate area of one (1) square foot per lineal foot of store frontage at the main entrance, and shall not exceed twenty-four (24) square feet.
- (B) Total temporary signage for each site shall not exceed three different forms of banners, pennants, and/or flags, or other signage.
- (C) Banners, pennants, and/or flags shall be erected or placed only upon the site in which they are intended to advertise. No off-site banners, pennants, and flags shall be permitted.
- (D) Any banner, pennant, or flag shall not obscure or cover more than fifty (50) percent of the total window area on the building elevation on which they are located.
- (E) Pennants and flags proposed in conjunction with the use of a banner shall be limited in size and number subject to the discretion of the Director of Community Development.

- (F) Temporary banners, pennants and flags shall compliment rather than detract from the site and permanent signage.
- (2) **Grand Opening/Liquidation.** On-site grand opening or liquidation sale banners in connection with the opening of a business, a major remodel, new ownership, or closure of a business may be permitted and approved by the Director of Community Development, subject to the provisions listed below. If approved, a certificate of approval shall be issued including the expiration date.
- (A) Banners, pennants, and flags shall be permitted for forty-five (45) days unless extended by the Director of Community Development;
- (B) Banners, pennants, and flags shall not exceed a total aggregate area of more than one (1) square foot per lineal foot of building frontage on a public street; such banners, pennants, and flags shall not exceed an aggregate area of thirty-two (32) square feet.
- (C) Copy shall be limited to usual wording such as "Going Out of Business Sale," "Liquidation Sale," or "Grand Opening."
- (D) Any banner, pennant, or flag shall not obscure or cover more than fifty (50) percent of the total window area on the building elevation on which they are located.
- (3) **Non-Profit Organizations.** Temporary banners, pennants, and flags advertising a special event, on- or off-site, including civic, public, religious, educational, or philanthropic events, may be granted a special event sign permit for no longer than one (1) month per occurrence unless extended by the Director of Community Development. Temporary banners, pennants, and flags shall be appropriate for the event and shall not have an adverse affect on adjacent land uses. The sign copy may contain names, logos, or corporate sponsors but such names, logos, or corporate sponsors may not exceed one-third (1/3) of the aggregate area of signage. Advertising signage area, specific locations, colors, and materials shall be submitted for review by the Director of Community Development. If approved, a certificate of approval shall be issued including the expiration date.
- (4) **Fee.** A fee and deposit shall be required as approved by a Resolution of the City Council to guarantee the removal of temporary banners, pennants, and flags at the end of the permit period. If temporary banners, pennants, or flags are not removed at the end of the permit period, the applicant shall forfeit the deposit and excess days will be debited against any potential future permit time. Fees for non-profit organizations may be waived by the Director of Community Development. The applicant shall retain a copy of an approved permit on-site to be presented upon request by an authorized City Official.
- (b) **Portable Sign Permit.**
- (1) **Definition.** For the purposes of this Section, "portable sign" includes any signs or advertising devices not designed to be permanently attached to a building or permanently anchored to the ground. This includes A-frame or sandwich board signs.
- (2) **Permit Required.** Any business enterprise operating in an enclosed structure may apply for a Portable Sign Permit for one (1) portable sign.

- (3) Permit Criteria. Portable signs must meet the following development standards:
- (A) Portable signs may have a maximum sign area of twelve (12) square feet. The height of portable signs shall be in conformance with the height and setback standards under Section 9.37.130(g), but in no event will portable signs in excess of four (4) feet in height be permitted.
 - (B) Portable signs must be located entirely on private property, and must be arranged so as not to interfere with pedestrian access to, through and around the site of the business establishment. Portable signs must be located on the same site as the business advertised, and within close proximity to the main public entrance to the business.
 - (C) Portable signs may not encroach into required off-street parking areas, nor may they be arranged so as to create sight distance conflicts or other traffic hazards.
 - (D) Portable signs are to be utilized only during the regular hours of operation of the business, and shall be removed or otherwise secured during non-business hours.
 - (E) No additional lighting is permitted for portable signs.
 - (F) Portable signs are to be maintained in a neat, orderly fashion so as not to constitute an unsightly appearance or a public nuisance. Signs should be constructed of durable, weather-resistant materials and be professional in appearance in a manner meeting the approval of the Director of Community Development.
 - (G) The use of portable signs is permitted only in non-residential and mixed-use districts.
 - (H) Portable signs for service businesses must include the name of the business as well as any service(s) advertised.
- (4) Review Period. The provisions of this Section shall be effective on a year-to-year basis starting at the beginning of the 1996-1997 fiscal year. Prior to the end of the fiscal year, the Director of Community Development will submit a summary of the Portable Sign Permit Program to the City Council for their review on the consent calendar at a regularly-scheduled City Council meeting. Based upon the outcome of this review, the City Council may:
- (A) Terminate the Program at the end of the current fiscal year by taking no action;
 - (B) Extend the Program "as is" for one (1) year by minute order or Resolution; or
 - (C) Extend the Program with modifications by Ordinance.
- (5) Period of Validity. Portable Sign Permits may be issued for a one (1) year period. The sign(s) may be utilized at any time during this period, in conformance with the standards listed above under Section 9.37.160(b)(3). Portable Sign Permits may be renewed indefinitely at the discretion of the Director of Community Development, provided the applicant has demonstrated compliance with the all the above-mentioned permit requirements during the preceding permit period.
- (6) Fees. A fee shall be required as approved by a Resolution of the City Council to guarantee compliance with the standards for portable signs. The applicant shall retain a copy of the permit and the fee receipt on-site to be presented upon request by an authorized City official.

- (7) Enforcement. Compliance with the provisions of this section will be monitored by the Code Enforcement Division. The owners of portable signs placed or used in violation of this section will be notified by first-class mail or by hand-delivered notice, and given twenty-four (24) hours to correct the violation. After the second notice of violation, the owner of a non-complying portable sign may be subject to revocation of the Portable Sign Permit and/or confiscation of non-complying signs (if placed on public property) without further notice.

(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94; amended by Ord. 95-02, 1/24/95; Ord. 95-04, 2/14/95; Ord. 96-04, 3/26/96; Ord. 96-05, 4/9/96)

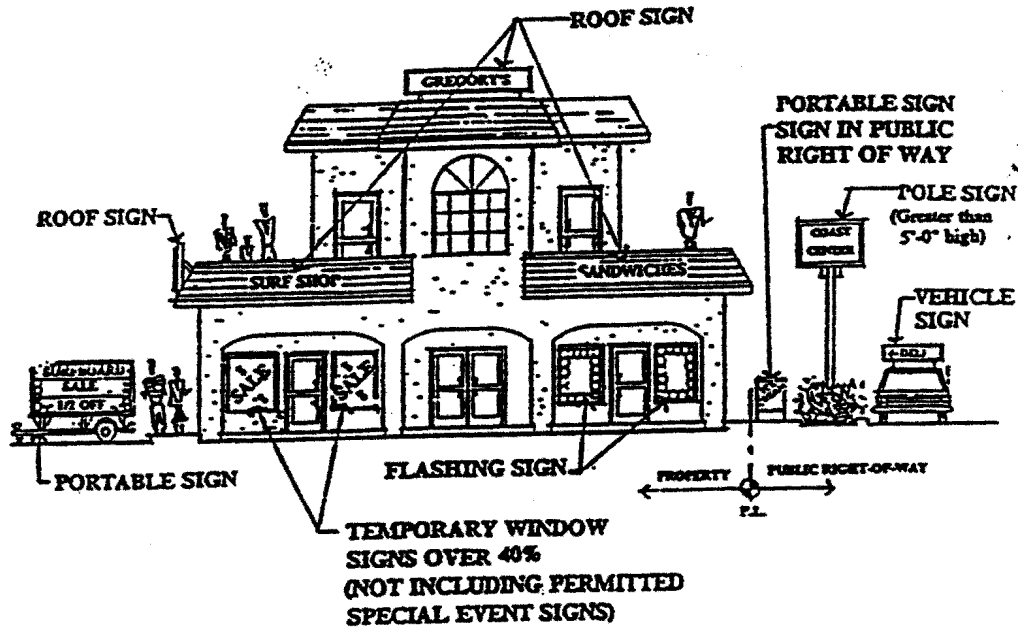
9.37.170 Prohibited Signs.

Except as otherwise expressly permitted in this Chapter, all signs are expressly prohibited, including, but not limited to the following:

- (a) Flashing, moving, animated and intermittently lighted signs and advertising devices including animals and human beings, excluding public service signs such as time and temperature signs and traditional barber shop poles.
- (b) Roof signs as defined in Section 9.37.020(r).
- (c) Signs which project over public right-of-way or adjacent private property.
- (d) Changeable copy signs with the exception of signs intended for the advertisement of civic activities and menu board signs.
- (e) Banners, flags, pennants, balloons, and other temporary signage except as may be permitted by Section 9.37.160 in conjunction with a Temporary Site Development Permit or Section 9.37.110(k).
- (f) Off-site signs and other similar signs installed for the purpose of advertising a project, subject, or business, unrelated to the premises upon which the sign is located, inclusive of "snipe" signs and billboards, but exclusive of garage/yard sale and open house signs.
- (g) Vehicular signs including signs attached by any means to automobiles, trucks, trailers, or other vehicles on private or public property for the purpose of advertising, identifying, or providing direction to a use or activity not related to the lawful use of the vehicle for rendering service or delivering merchandise.
- (h) Obscene or unlawful signs.
- (i) Signs in the public right-of-way and public property except those signs that are provided for in this Chapter.
- (j) Permanent pole signs exceeding five (5) feet in height, not including flag signs, with open space from ground level to the bottom of the sign exceeding thirty-five (35) percent of the overall height.
- (k) Audible signs or advertising devices.
- (l) Inflatable signs and advertising devices.

Exhibit 9.37-11 depicts many of the prohibited sign types described above.

**EXHIBIT 9.37-11
PROHIBITED SIGNS**



(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.180 Unsafe and Unauthorized Signs.

For any sign or other advertising device regulated in this Chapter that is deemed by the Director of Community Development to be unsafe or hazardous to the public health, safety, and welfare or that has been constructed, erected, or maintained in violation of this provisions as set forth in this Chapter or other applicable code, the permittee or property owner shall be given written notice to correct and/or remove the sign violation. If the permittee or property owner fails to alter or remove the structure to comply with the regulations set forth in this Code within ten days, such sign violation may be removed or altered by the City at the expense of the permittee or owner. Any sign or advertising device which presents an immediate threat to the public safety may be removed without notice.

(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.190 Nonconforming Signs.

A legal nonconforming sign is any permanent sign which was legally established and maintained in conformance with the ordinance in effect at the time of original installation, but because of size, height, location, design, construction, or other circumstance is not in conformance with the requirements of this Code. The provisions of this section shall apply to all nonconforming signs.

- (a) General Provisions. A nonconforming sign shall be properly maintained in accordance with Section 9.37.190(c), but may not be:
 - (1) Changed to another nonconforming sign either due to a change in text, cosmetically or structurally;
 - (2) Structurally or electrically expanded or altered unless such alteration brings the sign into conformance with all current provisions of this Chapter;
 - (3) Relocated to another site on the same property;
 - (4) Re-established after discontinuance for ninety (90) days or more;
 - (5) Re-established after damage or destruction of more than fifty (50) percent of its original valuation.
- (b) Removal. Existing signs which are determined to be nonconforming on the effective date of this Chapter (December 26, 1991) shall be modified or removed to comply with all provisions of this Chapter within seven (7) years of the initial date of first written notice from the Director of Community Development, unless extended as permitted in this Section. Such written notice shall be recorded with the Orange County Recorder and mailed to the property owner. The owner shall be given written notice to correct or remove the nonconforming sign within the 7-year amortization period. If the property owner fails to alter or remove the structure to comply with the regulations set forth in this Chapter within ten (10) days following the final date of the amortization period, such sign may be removed or altered by the City at the expense of the permittee or owner. Signs which were erected or altered without a required permit or signs which did not comply with the applicable regulations when erected shall be immediately removed by the owner upon written notice from the City.
- (c) Maintenance. All signs shall be maintained in good repair and functioning properly, to the satisfaction of the Director of Community Development. Signs shall be free from all defects including but not limited to cracking, peeling, and rusting. Signs that are not properly maintained shall be deemed a public nuisance and may be abated upon proper notice.
- (d) Minor Repairs and Repainting. Legal nonconforming signs may be removed for the purpose of repairing or repainting and may be replaced upon obtaining a sign permit. Legal nonconforming signs may be replaced if the identical sign and text is replaced within sixty (60) days of its removal.
- (e) Change of Ownership. Upon change of ownership of the business advertised by the nonconforming sign, the sign as originally approved, including text, may remain on site for seven (7) years from the date of written notice from the Director of Community Development in accordance with procedure of Section 9.37.190(b).
- (f) Change in Property Size or Configuration. If any size or configuration of a parcel or building is changed by the subdivision of the property, building addition or demolition, signs for

the property shall be made to conform to the sign regulations applicable to the newly created parcel or building at the time such change becomes effective.

- (g) Time Extension. Prior to the expiration of the seven (7) year period provided in Section 9.37.190(b), a written request may be made to the Planning Commission for an extension. No time extension shall be approved for any sign unlawfully erected.

- (1) Time Period. The Planning Commission may approve a time extension for a period deemed appropriate, up to one (1) year.
- (2) Application and Fee. An application shall be submitted on a form provided by the Director of Community Development and accompanied by a fee set by a Resolution of the City Council.

Submittal requirements shall include:

- (A) An exhibit showing all signs currently on site;
 - (B) The date the sign was constructed and located on the site;
 - (C) The remaining economic life of the sign, which may or may not be less than the actual physical life of the sign;
 - (D) Any unusual circumstances concerning the size, height, and location of the sign;
 - (E) The manner in which the sign violated the sign regulations as provided in this Section;
 - (F) A letter of justification showing how the immediate removal or alteration of the sign, as required by this Section, would create unnecessary hardship on the applicant, and which hardship may be inconsistent with the purpose and intent of the sign regulations.
- (3) Findings. The Commission shall find the following in approval of an extension of time for a nonconforming sign:
 - (A) Due to special circumstances, immediate removal of the sign will result in a substantial hardship for the applicant.
 - (B) The sign is not detrimental to the surrounding properties or the general health, safety, and welfare.
 - (C) The sign does not constitute an obstruction to vehicular or pedestrian traffic or visibility and is not a hazardous distraction.
 - (4) Conditions. Subject to approval of the time extension, the Planning Commission may require reasonable modification or alteration to the sign to improve appearance or its compliance with this Section. Modification that would extend the useful life of the sign shall not be permitted.

(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.200 Inventory and Abatement of Illegal or Abandoned Signs.

- (a) Within six (6) months after the adoption of the ordinance codified in this title, the Director of Community Development shall authorize an inventory and identification of illegal and abandoned signs shall be made of all signs within the City. Illegal or abandoned signs shall be abated in accordance with the provision of this Section.

- (b) The Director of Community Development shall require the removal or abatement of all illegal or abandoned signs. If signs are not removed by the owner, abatement shall commence after sixty (60) days of the final inventory of illegal or abandoned signs.
- (c) Any unlawful signs located within the public right-of-way or on public property may be removed, without notice, by the Director of Community Development. Abated signs shall be retained at City Hall for a period of not less than three (3) working days, after which the signs may be discarded.
- (d) Should the City be required to remove any illegal or abandoned signs, the reasonable cost of such removal shall be assessed against the owner of such signs. The cost of removal shall be established by a Resolution of the City Council.

(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.210 Historical Signs.

An existing sign, which because of character, age, influence, cultural or historic significance, may be exempted from the standards of this Chapter. All such signs shall be subject to approval of a minor Conditional Use Permit by the Planning Commission.

- (a) Historical signage criteria may include:
 - (1) Date in which the sign was erected;
 - (2) Documentation of originality of historic or cultural value;
 - (3) Documentation showing that the sign has been maintained in original form and significant text as when it was originally constructed.
- (b) Findings. In approving a historical sign, the Planning Commission shall determine:
 - (1) That the sign contributes to the positive architectural, cultural, or historical character of the City of Dana Point, County of Orange, State of California, or the United States;
 - (2) That the sign would not create confusion to the public or to public safety officials in response to emergencies; and
 - (3) That the sign would not adversely affect the health, safety, or welfare of the community.
 - (4) That documentation of the history of the sign and site has been provided to the City for archive purposes.

(Added by Ord. 91-17, 11/26/91; amended by Ord. 94-03, 1/11/94)

9.37.220 Maintenance and Operation.

All time and/or temperature signs shall be continually maintained and calibrated to display the correct time and accurate temperature. Within three (3) days of the bi-annual time change, signs displaying the time shall be adjusted accordingly.

(Added by Ord. 94-09, 5/24/94)

9.37.230 Use of Product or Manufacturer Names in Signs.

- (a) Product or manufacturer names are permitted on temporary banner signs. Product or manufacturer names may be allowed in tenant identification signage under the following conditions:

9.37.230

- (1) The registered name of the business (dba) includes the product or manufacturer name;
or
 - (2) The product or manufacturer name is associated with a product which, when new, has a manufacturer's suggested retail price exceeding \$1,000.
 - (b) If a product and/or manufacturer name is used in a tenant identification sign, the following restrictions shall apply:
 - (1) The product and/or manufacturer name portion of the sign may not exceed twenty (20) percent of the total sign area, unless the product or manufacturer name is part of the registered business name (dba), in which case there shall be no percentage restriction; and
 - (2) A maximum of one (1) product name and one (1) manufacturer name may be included in the sign except as provided in subsection (c).
 - (c) Exceptions from subsection (b)(2) may be permitted subject to the approval of a minor Conditional Use Permit by the Director of Community Development.
- (Added by Ord. 94-21, 12/18/94)