

**CALIFORNIA COASTAL COMMISSION**

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May 29, 2014

# Th12d

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
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TONI ROSS, COASTAL PROGRAM ANALYST, SD COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD LCP AMENDMENT  
No. CAR-MAJ-2-13B (Sign Ordinance) for Commission Meeting of June 11-13,  
2014**

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## **SYNOPSIS**

The subject LCP implementation plan amendment was submitted and filed as complete on October 22, 2013. A one-year time extension was granted on January 9, 2014. As such, Commission action on this item must occur no later than January 2015. This is the second of three unrelated items submitted as LCP Amendment No. 2-13. The first item, LCP Amendment No. CAR-MAJ-2-13C (Kelly Corporate Center), was approved by the Commission at its January 2014 hearing. The third item, LCP Amendment No. CAR-MAJ-2-13A (Conditional Use Permit Procedures), is also scheduled for the Commission's June 2014 hearing. While the LCP Amendment No. 2-13 as a whole includes components that modify both the certified land use and implementation plans, the subject LCP Amendment No. 2-13B only affects the implementation plan.

## **SUMMARY OF AMENDMENT REQUEST**

The City of Carlsbad is proposing to update Chapter 21.41 (Sign Ordinance) of its certified implementation plan. The Sign Ordinance chapter includes provisions for all permitted and unpermitted sign types, as well as signage regulations and provisions for special sign programs for all the City's zone classifications. The City is proposing a number of changes to the sign ordinance including a relaxation on sign size for larger, warehouse-style buildings, as well as a new allowance for digital display signs at select regional commercial centers that have direct frontage on a freeway. The City defines digital display signage as a physical method of image presentation using LCD (liquid crystal display), LED (light emitting diode), plasma displays, projected images, or other functionally equivalent display technologies. Signs using such display methods are called by various names, including, CEVMS (commercial electronic variable message signs or changeable electronic variable message signs), electronic message boards, electronic reader boards, dynamic signs, digital signs, electronic signs, message centers and similar terms. Digital display signs can be generally described as the modern version of a billboard.

The sign ordinance also contains a specific provision (Section 21.41.090) which addresses signage in the coastal zone. Since the time of the original submittal, the City has indicated that some of the language of Section 21.41.090 is inconsistent with Policy 8-5; a provision included in the City's certified LUP. The City is, therefore, requesting three modifications to the sign ordinance to remedy these inconsistencies. Because these modifications have been requested after the City's original amendment submittal, the changes are incorporated into the subject amendment through three suggested modifications. Additionally, the City is now requesting the removal of digital display signage as a permitted sign type anywhere in the city and this would be achieved with two additional modifications.

The City completed a comprehensive update to its Sign Ordinance in 2001; however, the City chose not to submit it as an LCP amendment at that time. It was therefore only effective outside the coastal zone. At this time, the City's amendment request includes the prior update, as well as newly proposed changes. So, the Commission is herein reviewing the comprehensive update to the sign ordinance as a complete substitute for the version currently certified in the LCP.

### **SUMMARY OF STAFF RECOMMENDATION**

The Commission can only reject such amendments where it can be shown that the amendment would be inconsistent with the certified Land Use Plan (LUP) and/or render the Implementation Program (IP) inadequate to carry out the LUP. Staff recommends denial of the amendment as proposed, and then approval of the amendment with six suggested modifications. Of these, five modifications have been specifically requested by the City, and the other is necessary to ensure integration of the coastal development review process with sign regulation.

The subject amendment includes the wholesale replacement of the City's sign ordinance for purposes of its LCP. Historically, the Commission's primary concerns with sign ordinances is that the provisions would allow signage that could adversely impact scenic resources and viewsheds to and along the ocean, add to general visual clutter, or be out of character with the surrounding development. The City's coastal zone contains a number of coastal resources including Buena Vista, Agua Hedionda and Batiquitos Lagoons, as well as a large section of undeveloped beach area west of Carlsbad Boulevard.

The City's certified Land Use Plan (LUP) includes a policy that addresses signage within the Mello II Segment of the City. Specifically, Policy 8-5 limits signage in the coastal zone (within Mello II Segment) to: 1) one facade sign for each business; 2) one directory sign (no taller than 14ft.) for each shopping complex; and 3) one monument sign (8 ft. or less) on commercial establishments with three or less uses. In addition, tall freestanding, roof, and off-premise signs are prohibited. The City's certified sign ordinance includes a section (Section 21.41.090) that mirrors the referenced LUP Policy and is effective in all segments of the City's LCP, except the Agua Hedionda Segment, which is an uncertified segment and thus is not subject to the City's LCP, and the Carlsbad Village Area, which

has its own signage standards. As such, the policy regulating signage in the coastal zone applies within the Mello I, Mello II, West Batiquitos and East Batiquitos Land Use Segments, or the majority of the City's coastal zone. This coastal zone provision in the sign ordinance provides that its regulations are controlling in the case of any conflict with the other sign code standards. As such, the majority of the Commission's concerns associated with sign ordinances have already been addressed by this specific coastal zone section that limits the number of façade, directory and monument signs, and prohibits tall freestanding and roof signs in the coastal zone.

In addition, the sign ordinance allows for site-specific or area-specific code provisions to be developed including provisions to permit modifications or allow otherwise prohibited signs within master plans or specific plans. Since those plans must be reviewed and certified by the Commission to be effective in the coastal zone, the Commission will have the opportunity to consider such sign programs on an individual basis. To date, the certified Car County Specific Plan includes language that allows for the construction of one pole sign (35 feet tall) within the specific plan area; this is the only example where the Commission has approved a large freestanding sign in Carlsbad.

However, the ordinance failed to specify that non-exempt signage in the coastal zone requires the issuance of a coastal development permit. For a coastal development permit to be issued, findings are required to be made that any development, as proposed, or approved with special conditions, must be found consistent with the certified LCP. In this manner, the certified land use plan policies are invoked, as applicable, and provisions for protection of public views or community character are implemented. This concern is addressed through the adoption of **Suggested Modification No. 1**.

In addition, during the review of the subject LCP amendment, it became apparent that there is a section within LUP Policy 8-5 that was slightly modified in Section 21.41.090 of the IP. Specifically, the certified LUP policy limits directory signs on lots developed with a shopping complex to 15 ft. in height, whereas the code section limits such signage to 14 ft. in height. The City is now requesting that, through the incorporation of a suggested modification, this discrepancy be corrected. Finally, the IP also refers to this 14 foot height limit in the definition for "tall freestanding sign". As such, an additional suggested modification has been included to make the definition of directory sign consistent with the certified LUP provision (15 ft. in height). These changes are included as **Suggested Modifications Nos. 2 & 3**.

The City is also requesting a suggested modification that clarifies the calculation of sign area to include, "any material or coloring forming an integral part of the background of the message or display along with the area of the signage itself". As originally proposed, this language was removed from the existing ordinance, and thus sign square footage would now be calculated using the sign only, and not the borders, framing, etc. For example, monument signs are limited to a total of 60 sq. ft.; in this scenario, the 60 sq. ft. would be calculated using only the sign itself, and thus the total sign size (including framing, background effects, coloring, bordering, etc.) could be much larger. However, the City has since indicated that it wishes to re-insert language that clarifies that sign area

be calculated to include all borders, framing, etc. As such, **Suggested Modification #4** includes the existing language that limits the sign size accordingly. Thus, with the inclusion of **Suggested Modification #4**, the combined and total sign area would be limited to 60 sq. ft. This can be found consistent with the City's LUP in that limiting the size of signage, in general, helps protect coastal views and promotes development consistent with, and subordinate to, the character of the surrounding community.

Finally, on March 25, 2014, the City Council approved an action revoking the City's proposed ordinance to allow digital display signage. As such, digital display signage is now prohibited citywide. As previously stated, the action by the City Council was after the City submitted its Sign Ordinance LCP Amendment. As such, the City has requested the inclusion of additional revisions to delete the digital display provisions. As such, **Suggested Modifications 5 & 6** clarify that digital display signage is not permitted anywhere in the City. Aside from the City's reconsideration of digital display signage, such signs could not be found in conformance with the certified LUPs because they are problematic due to their size, and the associated potential to obstruct public views and scenic viewsheds, and adversely impact community character. The Commission would therefore not be prepared to support them even if the City had not reversed its prior action.

The appropriate resolutions and motions begin on Page 6. The suggested modifications begin on Page 7. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 10. The findings for approval of the plan, if modified, begin on Page 14.

#### **ADDITIONAL INFORMATION**

Further information on the City of Carlsbad LCP Amendment 2-13B may be obtained from Toni Ross, Coastal Planner, at (619) 767-2370.

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**PART I. OVERVIEW****A. LCP HISTORY**

The City of Carlsbad's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties, and Village Redevelopment. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. This amendment modifies the City's Implementation Plan (IP) only.

**B. STANDARD OF REVIEW**

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

**C. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

**PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

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

- I. **MOTION I:** *I move that the Commission reject the Implementation Program Amendment for City of Carlsbad LCPA No. 2-13B as submitted.*

**STAFF RECOMMENDATION OF REJECTION:**

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

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

The Commission hereby denies certification of the Implementation Program Amendment submitted for the City of Carlsbad and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan(s). Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted

- II. **MOTION II:** *I move that the Commission certify the Implementation Program Amendment for City of Carlsbad LCPA No. 2-13B, if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION:**

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

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM  
AMENDMENT WITH SUGGESTED MODIFICATIONS:**

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

**PART III. SUGGESTED MODIFICATIONS**

Staff recommends the following suggested revisions to the proposed Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

1. Modify Section 21.41.050 – Application and Permit Procedures, Subsection “A” – Sign Permit Required, as follows:

A. Sign Permit required

1. It shall be unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a change in sign copy or sign face), move or display any temporary or permanent sign within the city without first obtaining a sign permit in accordance with the provisions of this section, unless the sign is exempt from the permit requirements under Section 21.41.040.

[...]

3. In the Coastal Zone, unless otherwise exempt under applicable policies of the City’s certified LCP, any person proposing signage governed by Chapter 21.41 shall obtain a coastal development permit.

2. Modify Section 21.41.090. - "Coastal Zone Sign Standards" as follows:

A. The following sign restrictions apply to properties in the coastal zone except the Agua Hedionda Lagoon and the Carlsbad Village Review segments. If there is a

conflict between the coastal zone standards of this section and any regulations of this chapter, the standards of this section shall prevail. Otherwise, within the coastal zone, the sign regulations of this chapter shall apply.

1. Each business or establishment shall be entitled to one facade sign.
2. Each shopping complex shall have only one directory sign which shall not exceed ~~fourteen~~ fifteen feet in height, including mounding.
3. Monument sign height including mounding shall not exceed eight feet tall and shall apply where three or fewer commercial establishments exist on a parcel.
4. Tall freestanding and roof signs shall not be allowed.
5. Off-premises signs shall not be allowed.

3. Modify Section 21.41.020 – “Definitions” as follows:

79. “Tall freestanding sign” means a monument or pole sign that is greater than ~~fourteen~~ fifteen feet in height.

4. Modify Section 21.41.070 – “General sign standards” as follows:

The following sign standards shall apply to all signage within the city.

A. Sign Area.

1. Sign area is computed as follows:

a. Wall, Retaining Wall, ~~Monument, Suspended~~, Fascia, Awning, Window and Landscape/Hardscape Feature Signs.

i. Sign area shall be computed by measuring the smallest square, rectangle, triangle, circle or combination thereof that will encompass the extreme limits of the graphic image, writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the message or display or otherwise used to differentiate the sign from the backdrop or structure against which it is placed.

ii. Sign area does not include any supporting framework or bracing unless such is designed in a way as to function as a communicative element of the sign.

b. Pole Signs.

i. Sign area shall be computed as the area of the surface(s) upon which the sign message is placed including the supporting column(s) if decorated or displayed with advertising.

## c. Multi-Faced Signs.

- i. The sign area for a two-sided or multi-faced sign shall be computed by adding together the area of all sign faces visible from any one point.
- ii. When two sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same structure, the sign area shall be computed by the measurement of one of the faces.
- iii. In the case of a sign of spherical or cylindrical shape, the area of the sign shall be one-half of the surface area.

## d. Flags, Banners, Pennants, etc.

- i. Sign area is the entire surface area, one side only.

e. Monument, Freestanding and Suspended Signs.

- i. Sign area shall be computed by measuring the entire area contained within the frame, cabinet, monument, monument base or fixture.

## 5. Modify Section 21.41.030 – Prohibited Signs – as follows:

[...]

8. Digital Display Signs, ~~except at regional commercial centers that satisfy all of the following criteria: a) are designated Regional Commercial (R) by the General Plan, b) are located within a Master Plan or Specific Plan and c) have frontage on a freeway (I-5 or SR 78); [...]~~

## 6. Modify Section 21.41.095 – Permitted permanent signage, Table “B,” – as follows:

Type of Development and/or Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Additional Sign Standards...
Regional Commercial Center	<del>Digital Display Sign</del>					Regional commercial centers that satisfy all of the following criteria: a) are designated Regional Commercial (R) by the General Plan, b) are located within a Master Plan or Specific Plan and c) have frontage on a freeway (I-5 or SR 78) may include digital display sign(s) subject to the approval of a conditional use permit (CUP) by the City Council. The CUP will include detailed digital display sign development standards and is subject to required findings by the City Council.

**PART IV. FINDINGS FOR REJECTION OF THE CITY OF CARLSBAD  
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The City of Carlsbad is proposing to update Chapter 21.41 (Sign Ordinance) of its certified implementation plan. The Sign Ordinance chapter includes provisions for all permitted and unpermitted sign types, as well as signage regulations and options for sign programs for all zoning classifications within the City. The City is proposing a number of changes that would affect the implementation of the sign ordinance including a relaxation on sign size for larger, warehouse-style buildings, as well as the allowance for digital display signage at select regional commercial centers that have direct frontage on a freeway.

Since the time of the original submittal, the City has indicated that some of the language of Section 21.41.090, a specific sub-section in the code particularly drafted for coastal zone development, is inconsistent with Policy 8-5, a policy included in the City's certified LUP. The City is, therefore, requesting three new modifications to the sign ordinance to remedy these inconsistencies. Additionally, in response to a recent action by Carlsbad's City Council banning digital display signage, the City is now requesting the removal of digital display signage as a permitted sign type in the current amendment, through the incorporation of two additional modifications.

**B. FINDINGS FOR REJECTION.**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP(s).

**a) Purpose, Intent, and Major Provisions of the Ordinance.**

The purpose and intent of the ordinance is to implement the city's community design and safety standards; maintain and enhance the city's appearance by regulating signage; respect and protect the right of free speech by sign display; protect and improve pedestrian and vehicular traffic safety by balancing the need for signs to direct movement but safeguard community character; serve the city's interest in maintaining and enhancing its visual appeal for tourists and other visitors, among other stated interests. There is one section (Section 21.41.090) that specifically applies to properties located in the coastal zone. The major provisions of the currently adopted Section 21.41.090 include:

A. The following sign restrictions apply to properties in the coastal zone except the Agua Hedionda Lagoon and the Carlsbad Village Review segments. If there is a conflict between the coastal zone standards of this section and any regulations of this chapter, the standards of this section shall prevail. Otherwise, within the coastal zone, the sign regulations of this chapter shall apply.

1. Each business or establishment shall be entitled to one facade sign.
2. Each shopping complex shall have only one directory sign which shall not exceed fourteen feet in height, including mounding.
3. Monument sign height including mounding shall not exceed eight feet tall and shall apply where three or fewer commercial establishments exist on a parcel.
4. Tall freestanding and roof signs shall not be allowed.
5. Off-premises signs shall not be allowed.

b) **Adequacy of the Ordinance to Implement the Certified LUP Segments.**

The Commission can only reject such amendments where it can be shown that the amendment would be inconsistent with the certified Land Use Plan (LUP) and/or render the Implementation Program (IP) inadequate to carry out the LUP. In this case, the LUP includes the Mello I, Mello II, Agua Hedionda, Village Redevelopment Area, East Batiquitos Lagoon and West Batiquitos Lagoon LUP segments.

**Applicable Land Use Plan Policies.**

**Land Use - Mello II**

**Policy 8-1:**

The Scenic Preservation Overlay Zone should be applied where necessary throughout the Carlsbad coastal zone to assure the maintenance of existing views and panoramas. Sites considered for development should undergo review to determine if the proposed development will obstruct views or otherwise damage the visual beauty of the area. The Planning Commission should enforce appropriate height limitations and see-through construction, as well as minimize alterations to topography.

**Policy 8-3:**

While the Scenic Preservation Overlay Zone can be used to enhance the character of new development, the City of Carlsbad should adopt a policy whereby the unique characteristics of older communities (especially the Elm Street corridor) can be protected through their redevelopment scheme. This policy should reflect design standards which are in accordance with the flavor of the existing neighborhood.

**Policy 8-5:**

On premise signs should be designed as an integral part of new development in addition:

- (A) Each business or establishment shall be entitled to one facade sign.
- (B) Each shopping complex shall have only one directory sign which shall not exceed fifteen feet in height, including mounding.

(C) Monument sign height including mounding shall be exceed eight feet tall and shall apply where three or fewer commercial establishments exist on a parcel.

(D) Tall freestanding and roof signs shall not be allowed.

(E) Off-premises signs shall not be allowed.

(F) Current City regulations shall govern the number of square feet in each permitted sign.

### **Land Use – East Batiquitos Lagoon/Hunt Properties**

[...]

#### **6. Scenic and Visual Qualities**

The scenic and visual qualities of the area are of great value to the region. Again, the focal point for these qualities is Batiquitos Lagoon. The viewshed to the lagoon and from the lagoon shoreline are important resources. Many of the requirements previously established by this document address visual quality components, such as:

- Setbacks;
- Preservation of slope areas;
- Preservation of lagoon and riparian habitats;
- Enhancement of the lagoon environments; and
- controlled grading.

(1) In addition to these provisions, the following shall be provided to further address the important scenic and visual character of the area:

(a) La Costa Avenue should be established as scenic corridor pursuant to the City of Carlsbad General Plan Scenic Highway Element.

(b) Scenic corridor status shall be pursued for any public roadway to be established along a part or the entire lagoon north shore.

(c) Existing, mature, healthy vegetation such as eucalyptus stands, shall be preserved where possible.

(d) Offsite signage along public roadways shall be prohibited.

(e) If a Master Plan is pursued for the property, the provisions of the City of Carlsbad Scenic Preservation Overlay Zone should be utilized where appropriate.

(f) View points shall be established along the north and south shore areas (if and where environmentally sound and physically possible) to provide varied visual access to the lagoon.

- (g) View points should offer a mix of accessibility for pedestrian, bicycle, and motor vehicles.

**d. Specific Findings for Denial.**

The Commission must reject amendments where it can be shown that the amendment would be inconsistent with the certified Land Use Plan (LUP) and/or render the Implementation Program (IP) inadequate to carry out the LUP. In this case, the updated sign code regulations cannot be found consistent with the certified LUP and therefore must be rejected as submitted.

The Commission is typically concerned with any local jurisdiction's sign ordinance, if such ordinance could result in impacts to coastal views, scenic resources or signage that would be considered out of character with the surrounding community. However, in this case, the City has a very unique and restrictive policy for signage located in the coastal zone. As previously discussed, City has incorporated Policy 8-5 into its certified Land Use Plan. Specifically, the policy addresses signage within the Mello II Segment of the City's LUP and provides: 1) one facade sign for each business; 2) one directory sign (not to exceed 14 ft. in height) on each shopping complex; and 3) one monument sign (8 feet or less) on commercial establishments with three or less uses. The policy further limits signage in the coastal zone through the prohibition of tall freestanding (greater than 14 ft. tall) and roof signs. The ordinance would allow other types of signage as long as they are not in conflict with the stated provisions. Other sign types, such as wall, awning, suspended and projecting signs, would also be permitted in the coastal zone. All of these are smaller sized signs (for example suspended signs are limited to 6 sq. ft. total), and thus don't generate a significant concern regarding the adequate protection of coastal resources, community character, and/or public views.

However, as currently drafted, it is unclear how the coastal development permit process would be included in the review and approval of any signage proposal. Again, for a coastal development permit to be issued, findings are required to be made that any development, as proposed, or approved with conditions, must be found consistent with the certified LCP. In this manner, the certified land use plan policies are invoked, as applicable, and provisions for protection of public views or community character are implemented. However, the proposed article does not include any provisions for the application/review/issuance of a CDP and the article's provisions fail to integrate sign review with the coastal development permitting process. Such an oversight could result in the approval of signage that did not adequately protect coastal resources, inconsistent with the City's LCP.

In addition, the City's certified Implementation Plan includes a provision (Section 21.41.090) that was intended to mirror the Land Use Plan Policy 8-5. However, through review of this amendment, it became apparent that the language in the implementation plan is slightly different than the provisions contained in the LUP. Specifically, the LUP limits directory signage to 15 feet in height rather than 14 feet. While only allowing directory signage 14 feet in height, instead of 15 feet, will not result in significant

impacts to coastal resources, it does confuse any user as to which standard actually applies when proposing/reviewing directional signage in the coastal zone.

Finally, as proposed, the City's ordinance would allow for the development of digital display signage. In general terms, digital display signs can be described as those that appear similar to large television screens and are typically affixed onto a pole or base at heights equal to or higher than the surrounding structures. With the exception of the one large directory sign specifically authorized by the Commission in the Car Country Specific Plan area, the City's LCP provisions would not permit these types of signs in the coastal zone. While the City's existing sign regulations would allow consideration of 35 ft. high pole/monument signs for regional commercial centers, gas stations and theater marquees outside the coastal zone, such signage is otherwise prohibited in the coastal zone. Although the City's proposed update, as originally submitted, would potentially allow digital signs, not to exceed 35 feet, the impacts of a digital display sign are greater than those of a sign that is not internally illuminated and cannot constantly change. Thus, there is potential for coastal resource impacts, through direct view blockage or general view blight associated with the construction of a digital display sign in the coastal zone, inconsistent with the City's LCP.

#### **PART V. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED**

For reasons stated in Section IV above, as proposed, the LCP amendment cannot be found consistent with the City's certified LUPs. As such, six suggested modifications have been included to bring the City's Implementation Plan into consistency with its certified Land Use Plans.

**Suggested Modification No. 1** has been included because the LCP amendment fails to integrate the coastal development review process into proposals for non-exempt signage. It is through the discretionary review process that consistency of the development with the City's certified LUPs can be assured. As such, **Suggested Modification #1** requires that all non-exempt sign proposals must also obtain a coastal development permit which requires that those proposals must be found consistent with the City's LCP before an applicant can commence any sign development within the City's coastal zone.

As previously discussed, Policy 8-5 of the City's LUP specifically addresses signage in the coastal zone. Section 21.41.090 of the City's IP was intended to mirror Policy 8-5. However, it appears that there is an inconsistency between the two provisions. Specifically, LUP Policy 8-5 allows for directory signage up to 15 ft. tall and IP Section 21.41.090 allows pole signs up to 14 feet tall. As such, **Suggested Modification Nos. 2 & 3** change the IP to allow directory signage or tall freestanding signs up to 15 feet maximum identical to the LUP. In addition, as originally proposed in the subject amendment, sign square footage would be calculated using the sign message area only, and not the borders, framing, etc. Thus, the actual size of the sign could be much larger than what the calculated sign maximum would imply. However, the City has since indicated that it would prefer to retain the original language that clarifies sign area be

calculated to include all borders, framing, etc. As such, **Suggested Modification #4** includes the existing language that limits the sign size accordingly. All three of these suggested modifications serve to clarify and further limit the area of any proposed signage, which will better protect coastal resources, public views and community character, consistent with the City's LCP.

In addition, the City's LCP amendment contains language that would allow for the construction of digital display signage under certain circumstances. Within the Coastal Zone, a digital display sign could be proposed within the Car Country Specific Plan area; as mentioned previously, the Commission's approval of the specific plan already endorsed a 35 ft. tall directory sign for the car dealerships. The Commission has taken issue with allowing this type of signage in the coastal zone in that billboards, and especially digital display signs, are inherently problematic due to their size, and the associated potential to obstruct public views and scenic viewsheds and adversely impact community character. However, the City has subsequently decided to not support digital display signage and is now requesting that the code language permitting digital display signage be removed from the subject amendment. As such, **Suggested Modification Nos. 5 & 6** clarify that digital display signage is prohibited citywide.

Finally, there was a concern identified by staff that pertained to the section of the ordinance which allows a modified sign program (Section 21.41.060). This modified sign program has been included in order to facilitate signage that would otherwise not be permissible through the sign ordinance. This results in potential concerns, because any type of signage, at any height and size, could be approved through a modified sign program. However, Section 21.41.060 requires a number of findings of fact in order to approve a modified sign program proposal. These findings of fact include that "the standards established by the modified minor sign program or modified sign program do not exceed any applicable rules or limits in the General Plan or the Local Coastal Program." As such, Policy 8-5 and Section 21.41.090 apply and would strictly limit the types of signage that could be approved, even through the issuance a modified sign program, within the coastal zone. Additionally, all other LCP policies related to community character and public views would apply. Thus, the ability to propose a modified sign program, within the coastal zone, seems highly limited or would require separate review and approval by the Commission of a master plan or specific plan element. Therefore, approval of the City's sign ordinance update would not facilitate development that would adversely impact coastal resources; and, it can therefore be found consistent with the City's LUPs.

In conclusion, the City is proposing a whole-scale replacement to its sign ordinance. However, within the coastal zone, the types of permissible signage are highly limited through the implementation of LUP Policy 8-5. Nonetheless, the proposed amendment still raises concerns pertaining to the amendment's consistency with the City's certified LUPs. As such, six suggested modifications have been incorporated and clarify that non-exempt signage will require review and approval of a coastal development permit and the provisions of the certified LCP for protection of public views and scenic resources will thus be implemented; make LUP Policy 8-5 and its companion code section (21.41.090)

internally consistent, and prohibit digital display signage citywide. It is only through the inclusion of these revisions that the City's amendment can be found consistent with and adequate to carry out the certified policies of the City's LUPs.

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

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP, as amended, conforms to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. (14 C.C.R. §§ 13542(a), 13540(f), and 13555(b)). The Commission finds that approval of the proposed LCP amendment, as submitted, would result in specific impacts under the meaning of the California Environmental Quality Act. Specifically, the proposed LCP amendment is inconsistent with the certified LUP and could result in potential impacts to scenic resources and public views, as well as signage that is out of scale/character with the surrounding community. However, with the inclusion of the suggested modifications, the revised sign ordinance would not result in significant impacts to the environment within the meaning of the California Environmental Quality Act. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

RESOLUTION NO. 2013-214

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A LOCAL COASTAL PROGRAM AMENDMENT TO REPEAL AND REENACT THE CITY'S SIGN ORDINANCE (CHAPTER 21.41 OF THE CARLSBAD MUNICIPAL CODE) TO: (1) PROVIDE MORE FLEXIBLE SIGN DEVELOPMENT STANDARDS, (2) INCORPORATE REVISIONS DEEMED NECESSARY BY THE CITY'S LEGAL COUNSEL TO ADDRESS FIRST AMENDMENT ISSUES ASSOCIATED WITH THE PERMITTED REGULATION OF NON-COMMERCIAL SIGNAGE, AND TO (3) CLARIFY THE ORDINANCE TO MAKE IT MORE USER FRIENDLY.

CASE NAME: SIGN ORDINANCE AMENDMENT

CASE NO.: LCPA 11-04

The City Council of the City of Carlsbad, California, does hereby resolve a follows:

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on November 21, 2012 and April 17, 2013, hold duly noticed public hearings as prescribed by law to consider a Local Coastal Program Amendment (LCPA 11-04), and adopted Planning Commission Resolution No. 6928 recommending to the City Council approval of LCP 11-04; and

WHEREAS, the City Council did on the 27th day of August, 2013 hold duly noticed public hearing as prescribed by law to consider the Local Coastal Program Amendment; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all facts relating to the Local Coastal Program Amendment.


NOW, THEREFORE, the City Council of the City of Carlsbad, California do hereby resolve as follows:

1. That the above recitations are true and

EXHIBIT #1

Resolution of Approval

LCPA #2-13B Sign Ordinance

 California Coastal Commission

1           2.       That the findings and conditions of the Planning Commission as set forth  
2 in Planning Commission Resolution No. 6928 on file with the City Clerk and made a part hereof  
3 by reference, constitute the findings of the City Council in this matter.

4           3.       That the application for a Negative Declaration is adopted and approved  
5 as shown in Planning Commission Resolution No. 6928 on file with the City Clerk and  
6 incorporated herein by reference.

7           4.       That the approval of LCPA 11-04 shall not become effective until it is  
8 approved by the California Coastal Commission and the California Coastal Commission's  
9 approval becomes effective.

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"NOTICE TO APPLICANT"

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the appropriate court not later than the ninetieth day following the date on which this decision becomes final; however, if within ten days after the decision becomes final a request for the record is filed with a deposit in an amount sufficient to cover the estimated cost or preparation of such record, the time within which such petition may be filed in court is extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA. 92008.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 27<sup>th</sup> day of August, 2013, by the following vote to wit:

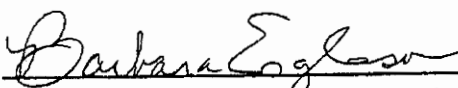
AYES: Council Members Hall, Packard, Wood, Blackburn and Douglas.

NOES: None.

ABSENT: None.

  
MATT HALL, Mayor

ATTEST:

  
BARBARA ENGLESON, City Clerk



**ORDINANCE NO. CS-226**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, REPEALING AND REENACTING THE CITY'S SIGN ORDINANCE, TITLE 21, CHAPTER 21.41 OF THE CARLSBAD MUNICIPAL CODE.

CASE NAME: SIGN ORDINANCE AMENDMENT

CASE NO.: ZCA 11-03/LCPA 11-04

WHEREAS, the Sign Ordinance was last comprehensively amended in 2001;

and

WHEREAS, since that time staff has identified a number of issues with the existing Sign Ordinance which were identified in a "white paper," dated April 12, 2011, to the City Manager; and

WHEREAS, on April 19, 2011 the City Council discussed the Sign Ordinance and "white paper" at a public workshop and directed staff to address the issues identified in the "white paper" through an amendment to the Sign Ordinance.

NOW, THEREFORE, the City Council of the City of Carlsbad does ordain as follows:

SECTION I: That Chapter 21.41 of the Carlsbad Municipal Code is repealed in its entirety and reenacted as follows:

Sections:

**21.41.005 Purpose.**

**21.41.010 Applicability.**

**21.41.020 Definitions.**

**21.41.025 General provisions.**

**21.41.030 Prohibited signs.**

**21.41.040 Signs on private property not requiring a sign permit.**

**21.41.050 Application and permit procedures.**

**21.41.060 Sign programs and modified sign programs.**

**21.41.070 General sign standards.**

**21.41.080 Sign design standards.**

**21.41.090 Coastal zone sign standards.**

**21.41.095 Permitted permanent signs.**

**21.41.100 Permitted temporary signs.**

**EXHIBIT NO. 2**

**Ordinance of Approval**



Carlsbad LCP #2-13B Sign Ordinance  
California Coastal Commission

1 **21.41.110 Construction and maintenance.**

2 **21.41.120 Removal of signs.**

3 **21.41.125 Appeal of denial or revocation.**

4 **21.41.130 Nonconforming signs.**

5 **21.41.140 Remedies and penalties.**

6 **21.41.005 Purpose.**

7 A. The purposes of the sign ordinance codified in this chapter include to:

8 1. Implement the city's community design and safety standards as set forth in  
9 the general plan;

10 2. Maintain and enhance the city's appearance by regulating the design,  
11 character, location, number, type, quality of materials, size, illumination and maintenance  
12 of signs;

13 3. Respect and protect the right of free speech by sign display, while  
14 reasonably regulating the structural, locational and other noncommunicative aspects of  
15 signs, generally for the public health, safety, welfare and specifically to serve the public  
16 interests in traffic and pedestrian safety and community aesthetics;

17 4. Eliminate the traffic safety hazards to pedestrians and motorists posed by  
18 off-site signs bearing commercial messages;

19 5. Generally limit commercial signage to on-site locations in order to protect  
20 the aesthetic environment from the visual clutter associated with the unrestricted  
21 proliferation of signs, while providing channels of communication to the public;

22 6. Allow the communication of information for commercial and  
23 noncommercial purposes without regulating the content of noncommercial messages;

24 7. Allow the expression of political, religious and other noncommercial  
25 speech at all times and allow for an increase in the quantity of such speech in the period  
26 preceding elections;

27 8. Protect and improve pedestrian and vehicular traffic safety by balancing  
28 the need for signs which facilitate the safe and smooth flow of traffic (i.e., traffic  
directional signs) without an excess of signage which may distract motorists, overload  
their capacity to quickly receive information, visually obstruct traffic signs or otherwise  
create congestion and safety hazards;

9. Minimize the possible adverse effects of signs on nearby city and private  
property;

10. Serve the city's interests in maintaining and enhancing its visual appeal for  
tourists and other visitors, by preventing the degradation of visual quality which can  
result from excess signage;

11. Protect the investments in property and lifestyle quality made by persons  
who choose to live, work or do business in the city;

12. Defend the peace and tranquility of residential zones and neighborhoods  
by generally forbidding commercial signs on private residences, while allowing residents  
the opportunity, within reasonable limits, to express political, religious and other  
noncommercial messages from their homes; and

13. Enable the fair, consistent and efficient enforcement of the sign  
regulations of the city.

**21.41.010 Applicability.**

- A. The provisions of this chapter shall apply generally to all zones established by this title.
- B. Properties and uses in the village review (VR) zone are regulated first by the sign standards of the Carlsbad village master plan and design manual, and then, to the extent not covered by said master plan and design manual, by the provisions of this chapter.
- C. Signs on city property, both within the village review zone and other zones, are controlled by other provisions of the Carlsbad Municipal Code, not by this chapter.
- D. In those areas of the city where master plan or specific plan sign standards or sign programs are adopted by ordinance as special zoning regulations, those sign standards or sign programs shall apply; however, the "message substitution" provisions of this chapter, section 21.41.025(2), shall apply to such programs and plans.
- E. All other sign programs that were approved prior to the effective date of this chapter, but not by ordinance, are subject only to the "message substitution" provisions of this chapter (section 21.41.025(2)).
- F. Except as noted in the preceding paragraph, a sign, as defined in this chapter, may be affixed, erected, constructed, placed, established, mounted, created or maintained only in conformance with the standards, procedures and other requirements of this chapter. The standards regarding number and size of signs regulated by this chapter are maximum standards, unless otherwise stated.

**21.41.020 Definitions.**

A. Whenever the following terms are used in this chapter, they shall have the meaning established by this section:

1. "Abandoned sign" means any sign that meets any of the following criteria:
  - a. Sign is located on property that becomes vacant or unoccupied for a period of at least 90 days,
  - b. Sign which pertains to any occupant or business unrelated to the premises' present occupant or business, or
  - c. Sign which pertains to a time, event or purpose which no longer applies.
2. "Abate" means to put an end to and physically remove. Discontinuance of a sign without removal of the entire sign structure shall not constitute abatement.
3. "Advertising for hire." See "General advertising."
4. "Address sign" means the identification of the location of a building or use on a street by a number(s).
5. "A-frame sign" means a freestanding sign designed to be easily movable and to rest on the ground without being affixed to any object or structure. Such signs are commonly in the shape of the letter "A," but may also be in the shape of an inverted letter "T" or a letter "H," functionally similar signs are also within this definition.
6. "Animated sign" means any sign with action or motion or color changes, whether or not requiring electrical energy or set in motion by wind. This definition excludes flags and does not apply to electronic message boards or digital displays.
7. "Attraction board" means a sign capable of supporting copy which is readily changeable, such as theater marquee, and which refers to products, services or coming events on the premises.
8. "Average grade" means the average level of the finished surface of the

ground directly beneath a monument or pole sign.

9. "Awning sign" means a sign that is a part of, or attached to, an awning, canopy or other fabric, metal, plastic or structural protective cover over a door, entrance, window, architectural feature or outdoor service area. A marquee is not an awning or canopy.

10. "Balloon" means a small inflatable device used for purposes of commercial signage, advertising or attention getting. See also "inflatable signs."

11. "Banner" means any sign made of cloth, lightweight fabric, bunting, plastic, vinyl, paper or similar material that is permanently or temporarily placed on, or affixed to, real property in a location where it is visible to the public from outside of the building or structure. A flag, as defined, shall not be considered a banner.

12. "Beacon" means a stationary or revolving light (including laser lights, klieg lights, spot lights, search lights, projected image signs and similar devices) with one or more beams projected into the atmosphere or directed at one or more points away from the light source and used for purposes other than police, fire, public safety or news gathering operations.

13. "Bench sign" means a sign painted on or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas.

14. "Billboard" means a permanent structure sign in a fixed location which meets any one or more of the following criteria:

- a. The sign is used for the display of off-site commercial messages;
- b. The sign is used for general advertising for hire;
- c. The sign is not an accessory or auxiliary use serving a principal use on the same parcel, but rather is a separate or second principal use of the parcel;
- d. The sign is a profit center on its own, and in the case of multiple principal uses on the same parcel, the sign is distinct from the main operations of the principal use on the parcel;
- e. The sign is a non-accessory use.

15. "Building elevation" means the front, rear or side of the external face of a building.

16. "Building frontage" means the total width of the elevation of a building which fronts on a public or private street or the building elevation along which the main entrance exists. For the purposes of calculating permitted sign area, every building has only one building frontage. If more than one business is located in a single building, then such area shall be limited to that portion which is occupied by each individual business or establishment.

17. "Building marker" means a sign cut into a masonry surface or made of bronze or similar material permanently affixed to a public building or building of designated historic significance.

18. "Bus stop signs" means a sign mounted on a shelter which serves as a bus stop or passenger waiting area for public transportation; this definition does not include devices giving the schedule and/or prices for the transportation service.

19. "Canopy sign." See "awning sign."

20. "Changeable copy sign" means a sign or portion thereof with characters, letters or illustrations that can be physically or mechanically changed or rearranged without altering the face or the surface of the sign. This does not include a digital display.

1           21. "Channel lettered sign" means a sign with individually cut, three  
dimensional letters or figures affixed to a building or sign structure.

2           22. "City property" means all land located within the corporate limits of the  
city to which the City holds the present right of possession and control, or is part of the  
3 public right-of-way located within the city. The definition also includes facilities and  
properties owned or operated by the city.

4           23. "Commercial center" means a commercial development that includes  
5 predominantly retail businesses with access driveways or parking spaces shared by one or  
more of the businesses.

6           24. "Commercial mascot" means a live person or animal attired or decorated  
with commercial insignia, images or symbols, and/or holding signs displaying commercial  
7 messages. Includes sign twirlers and sign clowns, but does not include hand-held signs  
8 displaying noncommercial messages.

9           25. "Commercial signage" or "commercial message" means any sign or sign  
copy with wording, logo or other representation that directly or indirectly names,  
10 advertises or calls attention to a business, product, service or other commercial activity or  
which proposes a commercial transaction or relates primarily to commercial or economic  
11 interests.

12           26. "Construction sign" means a temporary sign displayed on real property on  
which construction of new improvements is occurring during the time period which  
13 begins with the issuance of the first necessary permit for the construction and ends with  
the latest of any of the following, or their functional equivalents: notice of completion or  
14 certificate of occupancy.

15           27. "Cornerstone" means stone or other wall portion laid at or near the  
foundation of a building and which indicates in permanent markings the year of  
16 construction. Also called "foundation stone."

17           28. "Digital display" means a physical method of image presentation using LCD  
(liquid crystal display), LED (light emitting diode), plasma displays, projected images, or  
18 other functionally equivalent display technologies. Signs using such display methods are  
called by various names, including, CEVMS (commercial electronic variable message signs  
19 or changeable electronic variable message signs), electronic message boards, electronic  
reader boards, dynamic signs, digital signs, electronic signs, message centers and similar  
20 terms.

21           29. "Directional sign" means an on-site sign designed to guide or direct  
pedestrian or vehicular traffic to uses on the same site.

22           30. "Directory sign" means a sign listing the persons, activities or tenants  
located on-site.

23           31. "Eaveline" means the bottom of the roof eave or parapet.

24           32. "Establishment" means any organization or activity which uses land for  
purposes other than residential use. It includes all business and commercial uses, as well  
25 as institutional, public, semi-public and other noncommercial uses but does not include  
private residential uses; however hotels, motels, inns, bed and breakfast places, etc. are  
26 within this definition. Automated facilities, which have live persons in attendance only  
during limited or maintenance hours (i.e., power transformer stations, broadcasting  
27 towers, water tanks, weather data collection stations, vending machines, etc.) are not  
28 within this definition.

1           33.    "Externally illuminated" means illuminated by a light source that is located  
2 externally to the sign surface. This method of lighting may include, but is not limited to,  
3 spotlighting or backlighting.

4           34.    "Façade sign" means a sign fastened to the exterior walls of a building  
5 exposed to public view. See also "wall sign".

6           35.    "Fascia sign" means a sign fastened to or engraved in the band or board at  
7 the edge of a roof overhang.

8           36.    "Flag" means a device, generally made of flexible materials such as cloth,  
9 fabric, paper or plastic, usually used as a symbol of a government, political subdivision,  
10 public agency, company logo, belief system or concept.

11          37.    "Freestanding commercial building" means a building occupied by a single  
12 user retail business, or a noncommercial use located in a zoning district where  
13 commercial activities are allowed, that has direct vehicular access to an adjacent street.

14          38.    "Freestanding sign" means a sign supported upon the ground and not  
15 attached to any building. This definition includes monument signs and pole signs.

16          39.    "Freeway service station" means a gas/service station located on a  
17 property that is contiguous to a freeway interchange.

18          40.    "General advertising" means the enterprise of offering sign display space  
19 for a fee or other consideration to a variety of advertisers, commercial or noncommercial.

20          41.    "Hand held" means those signs or visual communication devices which are  
21 held by or otherwise mounted on human beings or animals.

22          42.    "Inflatable signs" or "inflatable attention-getting devices" means any  
23 device filled with air or gas, that is , attached or tethered to the ground, site,  
24 merchandise, building or roof and used for the purposes of commercial signage,  
25 advertising or attention getting. Commercial advertising blimps, when tethered, are  
26 within this definition.

27          43.    "Internally illuminated" means the illumination of the sign face from  
28 behind so that the light shines through translucent sign copy or lighting via neon or other  
gases within translucent tubing incorporated onto or into the sign face.

          44.    "Logo" means a trademark or symbol of an organization, belief system or  
concept.

          45.    "Marker board" means a board designed for displaying images made by  
chalk, markers or similar devices; includes devices commonly known as blackboards,  
whiteboards and chalkboards. Also includes devices sold under commercial names such  
as Promethean Boards, Activeboards, and functionally similar devices.

          46.    "Marquee" means a permanent canopy structure attached to and  
supported by a building and projecting near or over private sidewalks or public rights-of-  
way, generally located near the entrance to a hotel, theater or entertainment use, and  
used as a display surface for a sign message.

          47.    "Master plan" means a plan prepared and adopted pursuant to Chapter  
21.38 of this code.

          48.    "Mobile billboard" means a vehicle for which the primary use is the display  
of general advertising message(s).

          49.    "Monument sign" means a freestanding sign, which is supported by a base  
that rests upon the ground and of which the display or copy is an integral part of the  
design. A monument sign does not include poles or pylons. Contrast; pole sign.

1       50. "Multi-face sign" means a sign displaying information on at least two  
2 surfaces, each having a different orientation, or on a curved surface so that the copy or  
3 image is different when viewed from different angles.

4       51. "Multi-tenant building" means a nonresidential building in which there  
5 exists two or more separate nonresidential tenant spaces, businesses or establishments.

6       52. "Neon sign" means a sign that utilizes neon or other fluorescing, inert or  
7 rarified gases within translucent tubing in or on any part of the sign structure.

8       53. "Noncommercial message " means any image on a sign which conveys or  
9 expresses commentary on topics of public concern and debate, including, by way of  
10 example and not limitation, social, political, educational, religious, scientific, artistic,  
11 philosophical and charitable subjects. This definition also includes signs regarding fund  
12 raising or membership drive activities for noncommercial or nonprofit concerns.

13       54. "Nonconforming sign" means any sign which was legally established in  
14 conformance with all applicable laws in effect at the time of original installation but which  
15 does not conform to the requirements of this chapter or other later enactments.

16       55. "On-site sign" means a sign displaying a commercial message which relates  
17 or pertains to the business conducted, services available or rendered or goods available  
18 for sale, rent or use, upon the same premises where the sign is located. On-site can mean  
19 more than the exact same parcel or premises, upon which the sign is located if that site is  
20 part of a larger commercial center, as to any store, business, or establishment that is  
21 within the commercial center. A sign program may define "on-site" in a manner which  
22 applies only to that program. The on-site/off-site distinction applies only to commercial  
23 messages.

24       56. "Off-site sign" means any sign that gives directions to or identifies a  
25 commercial use, product or activity not located or available on the same premises as the  
26 sign. The on-site/off-site distinction applies only to commercial messages. There is no  
27 location criterion for noncommercial messages.

28       57. "Pennant" means an individual or a series of lightweight plastic, fabric or  
other material, whether or not containing a message of any kind, suspended from a rope,  
wire or string, designed to move in the wind.

      58. "Permanent sign" means any sign which is intended to be and is so  
constructed as to be of lasting and enduring condition, remaining unchanged in character,  
condition (beyond normal wear and tear) and position and in a permanent manner  
affixed to the ground, wall or building. The message display of a sign may be changed  
without affecting its character as a permanent sign.

      59. "Person" means any natural person, marital estate, sole proprietorship,  
partnership, limited partnership, corporation (of any type or form, regardless of where  
incorporated), trust, association, limited liability company, unincorporated association or  
any other juridical person capable of legally owning, occupying or using land.

      60. "Pole sign" means a freestanding sign that is greater than six feet in height  
and is supported by one or more vertical supports. The definition applies even if the  
support poles or pylons are covered with cladding or skirting.

      61. "Portable sign" means a sign made of any material which, by its design, is  
readily movable including, but not limited to, signs on wheels, casters and rollers, "A-  
frame" signs and signs attached to vehicles or trailers or water vessels.

      62. "Premises" means the place where a business or other establishment is

1 exclusively used by the business or other establishment, except that signs relating to the  
2 owner or manager of the entire parcel may be considered on-site when placed anywhere  
3 on the parcel.

4 63. "Prohibited sign" means any sign that is specifically not permitted by this  
5 chapter or was erected without complying with the regulations of this chapter in effect at  
6 the time of construction, display or use.

7 64. "Projecting sign" means a sign which projects more than ten inches from a  
8 wall or other vertical surface, generally at about ninety degrees.

9 65. "Property owner" means the owner of the property on which the sign is  
10 displayed or proposed to be displayed. When the property is land, "owner" includes the  
11 legal owner according to the official land records of the San Diego County Recorder, all  
12 beneficial owners thereof and all persons presently holding a legal right to possession of  
13 the subject property.

14 66. "Regional commercial center" means a commercial development located  
15 upon a property with a regional commercial general plan land use designation and having  
16 the following characteristics: project site area between thirty and one hundred acres;  
17 gross lease area between three hundred thousand and one million five hundred thousand  
18 square feet; major tenants may include full-line department stores (two or more), factory  
19 outlet centers, power centers of several high volume specialty stores, warehouse club  
20 stores or automobile dealerships; secondary tenants may include a full range of specialty  
21 retail, restaurants and entertainment. A center is still within this definition even if it  
22 includes one or more noncommercial uses.

23 67. "Right-of-way" means an area or strip of land, either public or private, on  
24 which an irrevocable right-of-passage has been recorded for the use of vehicles or  
25 pedestrians or both.

26 68. "Roof sign" means a sign erected and constructed wholly or in part upon,  
27 against or above the roof of a building. For purposes of this chapter, any portion of a  
28 building above or behind the fascia or parapet of a building shall be considered part of  
the roof.

69. "Shopping complex" means the same as "commercial center."

70. "Sign" means any device, fixture, placard or structure that uses any color,  
form, graphic, illumination, symbol, image or writing to advertise, announce the purpose  
of, identify a person, product, service or entity or to communicate information of any kind  
to the public. However, the following are not within the definition of "sign" for the  
regulatory purposes of this chapter:

- a. Any public or legal notice required by a court or public agency;
- b. Decorative or architectural features of buildings (not including letters, trademarks or moving parts);
- c. Holiday decorations and lights, in season, clearly incidental to and associated with holidays or cultural observances and which are on display on a given parcel for not more than forty-five calendar days in a calendar year;
- d. Building markers, as defined herein;
- e. Cornerstones, as defined herein;
- f. Symbols or insignia which are an integral part of a doormat or welcome mat, or embedded directly into the sidewalk or entrance surface, so long as such device is otherwise legal and is located entirely on private property and on the ground or sidewalk;

1 g. Items or devices of personal apparel or decoration but not including  
hand held signs or commercial mascots;

2 h. Marks on tangible goods, which identify the maker, seller, provider or  
product, as such are customarily used in the normal course of the trade or profession;

3 i. Symbols of noncommercial organizations or concepts including, but not  
4 limited to, religious or political symbols, when such are permanently integrated into the  
5 structure of a permanent building which is otherwise legal; by way of example and not  
6 limitation: stained glass windows, carved doors or friezes, church bells and decorative  
fountains;

7 j. Property entry and security protection notices and signs warning of  
dangers or health and safety policies, such as, by way of example and not limited to,  
8 "Beware of Dog," "Danger High Voltage," "No Shirt No Service," etc., when such are not  
over one square foot on residential uses or two square feet on other uses and firmly  
9 affixed to their mounting surface or device;

10 k. The legal use of fireworks, candles and artificial lighting not otherwise  
regulated by this chapter;

11 l. Devices which are located entirely within an enclosed structure and are  
not visible from the exterior thereof;

12 m. Advertisements or banners mounted on or towed behind free-flying  
airborne vessels or craft, such as airplanes, dirigibles, untethered blimps and the like;

13 n. Advertisements or banners mounted on trains or other mass transit  
vehicles which legally pass through the city;

14 o. License plates, license plate frames, registration insignia and  
noncommercial messages on street legal vehicles and properly licensed watercraft and  
15 messages relating to the business of which the vehicle or vessel is an instrument or tool  
16 (not including general advertising) and messages on the vehicle or watercraft relating to  
the proposed sale, lease or exchange of the vehicle or vessel;

17 p. Messages on golf carts, wheelchairs, personal scooters, human powered  
18 taxis, shopping carts or other small wheeled vehicles. Signs on any motorized device  
which may legally travel upon public roads or highways is not within this definition;

19 q. Vending machines which do not display general advertising;

20 r. Automated teller machines at banks and facilities for walk up and drive  
up service at banks, credit unions and similar establishments;

21 s. Murals, paintings and similar pictorial displays that are painted directly  
22 onto a building and are not intended to draw attention to any use, product, service or  
event.

23 71. "Sign area" means the display or message area of the sign. The methods of  
computing sign area are detailed in Section 21.41.070.A.

24 72. "Sign height" means the height of the highest point on the sign structure  
above grade or ground beneath. The methods of calculating sign height are stated in  
25 Section 21.41.070.B.

26 73. "Sign permit" means an entitlement from the city to place or erect a sign.

27 74. "Sign program" means a plan that integrates signs for a project with  
buildings, circulation and landscaping to form a coordinated architectural statement.

28 75. "Site development plan" means a plan required pursuant to Chapter 21.06  
of this code.

1           76. "Specific plan" means a plan prepared and adopted pursuant to Section  
2 65451 of the California Government Code.

3           77. "Street frontage" means the distance along which a lot line adjoins a public  
4 street, from one lot line intersecting said street to the furthest distant lot line intersecting  
5 the same street. Corner lots have at least two street frontages.

6           78. "Suspended sign" means a sign hung from the underside of a marquee,  
7 pedestrian arcade or covered walkway, usually at approximately ninety degrees to the  
8 building wall or storefront.

9           79. "Tall freestanding sign" means a monument or pole sign that is greater  
10 than fourteen feet in height.

11           80. "Temporary seasonal sales permit" means a permit to allow outdoor  
12 seasonal and holiday sales, including, but not limited to, Christmas trees, pumpkins and  
13 flowers, on private property.

14           81. "Temporary sign" means a sign, including paper, cardboard wood, plastic,  
15 synthetic, fabric or similar materials, which by virtue of its physical nature is not suitable  
16 for long term display or permanent mounting.

17           82. "Traffic directional sign" means a sign which indicates place, location or  
18 direction for the information of drivers or pedestrians.

19           83. "Unsafe sign" means a sign posing an immediate peril or reasonably  
20 foreseeable threat of injury or damage to persons or property on account of the condition  
21 of the physical structure of the sign or its mounting mechanism. A sign may not be  
22 considered "unsafe" within this definition by virtue of the message displayed thereon.

23           84. "Vehicle sign" means a sign mounted upon a vehicle which may legally be  
24 parked on or move on public roads, as well as a sign mounted upon a water vessel which  
25 may legally move upon the waters.

26           85. "Vessel sign" means a sign mounted upon a water vessel which may legally  
27 move upon the waters.

28           86. "Wall sign" means a sign attached to a wall surface that does not project or  
extend more than ten inches from the wall, which is confined within the limits of an  
outside wall and which displays only one display surface.

          87. "Window sign" means any sign painted or affixed to the inside or outside  
of a window surface or otherwise located within a building so as to be visible from the  
exterior of the building. This definition does not include window displays of merchandise  
offered for sale.

#### **21.41.025 General provisions.**

A. The provisions stated in this section apply to all signs within the regulatory scope  
of this chapter, and override more specific provisions to the contrary elsewhere in this  
chapter.

##### **1. Owner's Consent Required.**

a. The consent of the property owner is required before any sign may be  
displayed on any real or personal property within the city;

b. In the case of city property, the owner's consent shall be pursuant to  
other provisions of the Carlsbad Municipal Code.

##### **2. Message Substitution.**

1           a. Subject to the owner's consent, a noncommercial message of any type  
2 may be substituted for all or part of the commercial or noncommercial message on any  
3 sign allowed pursuant to this chapter.

4           b. Design criteria which may apply to commercial signs, such as color,  
5 lettering style or height, and compatibility with other signs on the same parcel or other  
6 signs subject to a sign program, do not apply to noncommercial message signs even when  
7 they are in an area subject to a sign program, master plan or specific plan.

8           c. Message substitution is a continuing right and may be exercised any  
9 number of times, in whole or in part.

10           d. No special or additional permit is required to substitute a  
11 noncommercial message for any other message on an allowable sign, provided the sign is  
12 already permitted or exempt from the permit requirement and the sign structure satisfies  
13 all applicable laws, rules, regulations and policies.

14           e. When a noncommercial message is substituted for any other message,  
15 the sign is still subject to the same location and structure regulations, such as size, height,  
16 illumination, duration of display, building and electrical code requirements, as would  
17 apply if the sign were used to display a commercial message or some other  
18 noncommercial message.

19           f. This substitution provision shall prevail over any other provision to the  
20 contrary, whether more specific or not, in this chapter and applies retroactively to sign  
21 programs, master plans and specific plans which were adopted or approved before this  
22 chapter was enacted.

23           g. This provision does not:

24           i. Create a right to increase the total amount of signage on a parcel, lot  
25 or land use;

26           ii. Authorize the physical expansion of an existing sign;

27           iii. Affect the requirement that a sign structure or mounting device be  
28 properly permitted;

          iv. Allow a change in the physical structure of a sign or its mounting  
device; or

          v. Allow the substitution of an off-site commercial message in place of  
an on-site commercial message or a non-commercial message.

          h. In addition to the non-commercial message display allowable under this  
provision, on any legal parcel, any unutilized sign display area which is available as a  
matter of right (i.e., not including display area available under some discretionary  
approval process), may be used to display non-commercial messages; a permit for such  
signage is required only when the physical structure or mounting device is subject to a  
building permit under the Building Code and/or an electrical permit under the Electric  
Code.

### 3. Non-commercial speech.

          a. In addition to the sign display area available under the message  
substitution provision, signs displaying non-commercial messages only are allowable at all  
times and on all parcels, subject to the following regulations:

          i. A sign permit is required only if the sign qualifies as a structure  
requiring a building permit or an electrical permit;

1                   ii. On parcels where the principal use is residential, the allowable display  
area is 8 square feet per residential unit at all times; and

2                   iii. On parcels where the principal use is anything other than residential,  
the allowable display area is 8 square feet per nonresidential establishment at all times;

3                   iv. The allowable display space for non-commercial speech is increased  
4 by 25% during the time period which begins 30 days before a primary, general, or special  
election and ends within 5 days following the closing of the polls.

5           4.       Legal Nature of Sign Rights and Duties.

6                   a. All rights, duties and responsibilities related to permanent signs attach  
to the land on which the sign is mounted, affixed or displayed and run with the land.

7                   b. The city may demand compliance with this chapter and with the terms  
8 of any sign permit from the permit holder, the owner of the sign, the property owner or  
the person mounting the sign.

9           5.       Transfer of Signage Rights.

10                   a. Rights and duties relating to permanent signs may not be transferred  
between different parcels of real property.

11                   b. All duly issued and valid sign permits for permanent signs affixed to land  
shall automatically transfer with the right to possession of the real property on which the  
12 sign is located.

13                   c. This provision does not affect the ownership of signs, and does not  
prevent a given sign from being moved from one location to another, so long as the sign  
is properly permitted in the new location.

14           6.       Compliance.

15                   a. Responsibility for compliance with this chapter is joint and severable as  
to all persons erecting, mounting, displaying or modifying any sign, all persons in control  
16 and custody of the property on which a sign is displayed, and the persons who are legal  
owners of record of the property on which a sign is displayed.

17           7.       Discretionary Approvals.

18                   a. Whenever any sign permit, variance, CUP, Sign Program or Special  
Planning Area approval, or other sign-related decision, is made by any exercise of official  
19 discretion, such discretion shall be exercised only as to the non-communicative aspects of  
the sign, such as size, height, orientation, location, setback, illumination, spacing, scale  
20 and mass of the structure, etc.

21                   b. Graphic design may be evaluated only for a Sign Program, and then only  
as applicable to commercial message signs.

22           8.       Mixed Use Zones or Overlay Districts.

23                   a. In any zone where both residential and nonresidential uses are allowed,  
the sign related rights and responsibilities applicable to any particular parcel or land use  
24 shall be determined as follows:

25                   i. Residential uses shall be treated as if they were located in a zone  
where a use of that type would be allowed as a matter of right, and

26                   ii. Nonresidential uses shall be treated as if they were located in a zone  
where that particular use would be allowed, either as a matter of right or subject to a  
27 conditional use permit or similar discretionary permit.

28    ///

**21.41.030 Prohibited signs.**

A. The following signs, as defined in this chapter, are prohibited in all zones of the city, unless a more specific provision or city policy allows them at certain times and places:

1. Abandoned signs, including their structures and supports;
2. A-frame signs, as defined herein;
3. Animated signs including, but not limited to signs that move, blink, flash, change color, reflect, revolve or make noise;
4. Balloons or other inflatable signs or devices, as defined herein;
5. Beacons, as defined herein;
6. Billboards, as defined herein;
7. Bus stop bench/shelter signs, as defined herein;
8. Digital display signs, except at regional commercial centers that satisfy all of the following criteria: a) are designated Regional Commercial (R) by the General Plan, b) are located within a Master Plan or Specific Plan and c) have frontage on a freeway (I-5 or SR 78);
9. Exposed neon lighted signs on any building elevation that faces and is within five hundred feet of any property line that adjoins residentially zoned property;
10. Commercial mascots and hand held or sandwich board signs carried by a person on city property or in the public right-of-way and displaying a commercial message;
11. Marker boards, as defined herein;
12. Mobile billboards or any other type of vehicle that is moving or parked on city streets whose primary purpose is displaying general advertising;
13. Off-site commercial signs excluding real estate for sale signs per Civil Code 713;
14. Portable signs with commercial messages; except for temporary signs as indicated in Sections 21.41.040 and 21.41.100;
15. Roof signs;
16. Signs attached to trees, plants, rocks, fences, utility poles/cabinets or other objects, the primary function of which is not to support a sign;
17. Signs physically blocking or impeding the free passage of persons through doors, firescapes or public rights-of-way;
18. Signs erected on or over city property including public easements and public rights-of-way, except those needed for traffic and public safety regulation and those erected pursuant to other provisions of the Carlsbad Municipal Code;
19. Signs simulating in color or design a traffic sign or signal or using words, symbols or characters in such a manner as to be reasonably likely to interfere with, mislead or confuse pedestrian or vehicular traffic;
20. Signs that do not conform with applicable Uniform Building Code as adopted by Carlsbad and National Electric Code as adopted by Carlsbad;
21. Temporary signs, including but not limited to banners (i.e.; feather banners) and pennants, except as provided for in Sections 21.41.040 and 21.41.100; and
22. Unsafe signs, as defined in this chapter.

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**21.41.040 Signs on private property not requiring a sign permit.**

The signs listed in Table A do not require a sign permit, and their area and number shall not be included in the aggregate area or number of signs subject to a permit requirement, for any given property.

Table A  
Signs on Private Property not Requiring a Sign Permit

Description of Sign	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
Traffic Control, Traffic Directional or Warning Signs erected or required by government agencies	Freestanding/Wall/Banner	-----	-----	-----	-----
Address Sign	Wall	1 per building	6 square feet per sign.	The minimum height shall be: Residential - 4 inches and Nonresidential – 12 inches, unless the Fire Marshal requires a greater height.	-----
Noncommercial Message Signs on residential and nonresidential property	Wall/Freestanding or Window	-----	8 square feet per residential unit. 8 square feet per nonresidential establishment	6 feet above average grade or 3.5 feet above average grade if in the front yard/ -----.	1. May not be illuminated.

Description of Sign	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
Additional Political and other Noncommercial Message Signs on private property during campaign periods	Freestanding	-----	2 square feet per residential unit.  2 square feet per nonresidential establishment	6 feet above average grade or 3.5 feet above average grade if in the front yard/-----.	1. May be located on any private property, with owner's consent  2. Display time limited to 30 days preceding any federal, state or local (primary, general or special) election and shall be removed, by the person placing or erecting such sign within five (5) days following such election.  3. This is in addition to the noncommercial messages allowed under the substitution provision and the noncommercial messages allowed at all times on residential and nonresidential properties.
Window Signs located in commercial centers and freestanding commercial buildings	Window	-----	Total copy area shall not exceed 25% of the window area.	7 feet above average grade/6 inches.	
Freestanding sign on Single Dwelling Unit or Condominium Unit - property which is for rent, sale or lease (Displayed on the owner's real property or real property owned by others with their consent (Pursuant to California Civil Code section 713))	Freestanding	1 per dwelling unit	4 square feet per sign.	6 feet above average grade/6 inches	1. Shall be removed from the building or property within fifteen (15) days after the sale, rental or lease.

Description of Sign	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
Flags in nonresidential zones	Pole Freestanding or mounted on the side of a building	Maximum of 3 flags per nonresidential establishment	24 square feet per flag.	Flag Pole Height: The lesser of 35 feet or the height of the tallest legally permitted structure existing on the premises/ ----.	
Flags in residential zones	Pole Freestanding or mounted on the side of a building	Maximum of 2 flags per occupied dwelling unit.	24 square feet per flag.	Flag Pole Height: The lesser of 35 feet or the height of the tallest legally permitted structure existing on the premises/ ----.	Flags with commercial images are not allowed in residential zones.
Temporary signs attached to parked or stationary vehicles visible from the public right-of-way	Window (Inside)	2 per vehicle	10 inches by 12 inches per sign.	-----	No limitation if sign is not visible from public right-of-way.
Signs permanently attached to or painted on vehicles, with non-changeable copy, used in the day-to-day operations of a business	-----	-----	-----	-----	Does not apply to "general advertising" or "mobile billboards."

## **21.41.050 Application and permit procedures.**

### **A. Sign Permit Required.**

1. It shall be unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a change in sign copy or sign face), move or display any temporary or permanent sign within the city without first obtaining a sign permit in accordance with the provisions of this section, unless the sign is exempt from the permit requirement under Section 21.41.040.

2. The regulations contained in this section apply to sign permits which are not associated with a sign program. Permit applications for sign programs are regulated by Section 21.41.060.

3. A sign permit shall not be required for cleaning or other normal maintenance of an existing sign, unless a structural or electrical change is made.

4. No sign permit is required when a political, religious or other noncommercial message is substituted for another commercial message on a pre-existing sign or when a noncommercial message is substituted for a noncommercial message on a properly permitted sign.

B. Application for Permit.

1. The application for a sign permit shall be made in writing on the form provided by the city planner and shall be accompanied by the required fee. Such application shall set forth and contain the following information:

a. A drawing to scale showing the design of the sign, including dimensions, sign size, colors (applies to commercial message signs only), materials, method of attachment, source of illumination and showing the relationship to any building or structure to which it is proposed to be installed or affixed or to which it relates;

b. A site plan, including all dimensions, drawn to scale indicating the location of the sign relative to the property line, rights-of-way, streets, sidewalks, vehicular access points and existing buildings or structures and off-street parking areas located on the premises;

c. The number, size, type and location of all existing signs on the same building, lot or premises; and

d. Any structural information and plans necessary to ensure compliance with the latest adopted building code and electrical code.

C. Fees. All signs require a sign permit fee and plan checking fee (if applicable) that shall be paid in accordance with the schedule established by resolution of the city council.

D. Method of Review.

1. The purpose of a sign permit is to ensure compliance with the provisions of this chapter and the relevant building and electrical codes.

2. After receiving a complete sign application, the city planner shall render a decision to approve, approve with modifications or deny such sign application within fifteen days; however, an approval with modifications shall be limited to requiring compliance with this chapter.

3. The application shall be approved and the permit issued whenever the proposed sign meets the following requirements:

a. The proposed sign conforms to all size, height and other standards for signs subject to a permit requirement as such requirements are set forth in this chapter;

b. The proposed sign is consistent with any applicable sign program; and

c. The sign conforms to the construction standards of the latest adopted building and electrical codes.

E. Revocation or Cancellation of Permit.

1. The city planner shall revoke any issued permit upon refusal of the holder thereof to comply with the terms of the permit and/or the provisions of this chapter after written notice of noncompliance and fifteen days opportunity to cure.

2. If the work authorized under a sign permit has not been completed within six months after the date of issuance, such permit shall become null and void.

**21.41.060 Sign programs and modified sign programs**

A. Purpose.

1. The purpose of a sign program is to integrate signs with a project's building, site and landscaping design to form a unified architectural statement.

B. Applicability.

1. A sign program shall be required for:

a. Master plans,

1                   b. Specific plans,  
2                   c. Nonresidential projects requiring a site development plan processed  
pursuant to Chapter 21.06 of this code, and

3                   d. Industrial or office developments of greater than ten acres in area.

4               2.       A sign program may be proposed for all other types of development  
projects or discretionary permits not listed in Subsection 21.41.060.B.1.

5               3.       For those projects requiring or proposing a sign program, no sign permit  
shall be issued for an individual sign, unless, and until, a sign program for the project, lot  
6               or building on which the sign is proposed to be erected has been approved by the city in  
conformance with this chapter.

7       C.       Sign programs and sign standards modifications.

8               1.       Sign programs may establish standards for sign area, number, location,  
and/or dimension that vary from the standards of this chapter as follows:

9                   a. A sign program that complies with the standards of this chapter shall  
require the approval of a ministerial sign program application by the city planner  
10                  provided that all of the findings of fact listed in Section 21.41.060.G. of this chapter can  
be made.

11                  b. A sign program proposal that exceeds the standards of this chapter by  
up to 15% shall require the approval of a modified minor sign program discretionary  
12                  application by the city planner provided that all of the findings of fact listed in Section  
21.41.060.H. of this chapter can be made.

13                  c. A sign program proposal that exceeds the standards of this chapter by  
greater than 15% up to 30% requires the approval of a modified sign program  
14                  discretionary application by the planning commission provided that all of the findings of  
fact listed in Section 21.41.060.H. of this chapter can be made.

15                  d. When calculating the permitted number of signs allowed by a sign  
program, if the calculation results in a fractional sign of .5 or greater, then the fraction  
16                  may be rounded up to the next whole number. If the calculation results in a fractional  
sign of less than .5, then the fraction shall be rounded down to the next whole number.

17                  e. When calculating the permitted number of signs allowed by a modified  
sign program, if the calculation results in a fractional sign, then the fractional sign may be  
18                  rounded up to the next whole number.

19                  f. Sign program design standards shall not apply to noncommercial  
20                  messages.

21                  g. All sign programs must incorporate the provisions for substitution of  
noncommercial messages as specified in Section 21.41.025.A.2. Message substitution  
22                  applies but may not override contrary provisions in leases.

23                  h. In the absence of a master or specific plan, the sign program application  
may not be used to permit a sign type which is otherwise prohibited.

24       D.       Application and fees.

25               1.       An application for a sign program, modified minor sign program or  
modified sign program may be made by the owner of the property affected or the  
26               authorized agent of the owner.

27               2.       The application for a sign program, modified minor sign program or  
modified sign program shall be made in writing on the form provided by the city planner.

1           3.     The application shall be accompanied by the required fee contained in the  
most recent fee schedule adopted by the city council.

2           4.     The application shall state fully the circumstances and conditions relied  
upon as grounds for the application.

3           5.     The application shall contain the following information:

4               a. A copy of an approved development plan (master plan, specific plan,  
planned industrial permit ,site development plan or other approved development project  
5 or discretionary permit) drawn to scale showing the location of property lines, rights-of-  
way, adjacent streets, sidewalks and on-site buildings, landscaped areas, off-street  
6 parking areas and vehicular access points;

7               b. A drawing to scale showing the design of each sign, including dimensions  
(height and width), sign size (area), colors, materials, method of attachment, source of  
8 illumination and location of each sign on any building, structure or property;

9               c. Computation of the total number of signs, sign area for individual signs,  
total sign area and height of signs for each existing and proposed sign type;

10              d. A materials board or sign sample that is an accurate representation of  
proposed colors, material and style of copy; and

11              e. The number, size, type and location of all existing signs on the same  
building, lot or premises.

12     E.     Notices and hearings.

13           1.     Notice of an application for a modified minor sign program shall be given  
pursuant to the provisions of Sections 21.54.060.B. and 21.54.061 of this title.

14           2.     Notice of an application for a modified sign program shall be given  
pursuant to the provisions of Sections 21.54.060.A. and 21.54.061 of this title.

15     F.     Decision-making authority.

16           1.     Applications for a modified minor sign program or a modified sign program  
shall be acted upon in accordance with the following:

17               a. Modified minor sign program.

18                   i. An application for a modified minor sign program may be approved,  
conditionally approved or denied by the city planner based upon his/her review of the  
19 facts as set forth in the application, of the circumstances of the particular case, and  
evidence presented at the administrative hearing, if one is conducted pursuant to the  
20 provisions of Section 21.54.060.B.2 of this title.

21                   ii. The city planner may approve or conditionally approve the modified  
minor sign program if all of the findings of fact in Sections 21.41.060.H. of this chapter are  
22 found to exist.

23               b. Modified sign program.

24                   i. An application for a modified sign program may be approved,  
conditionally approved or denied by the planning commission or city council, as specified  
25 in Section 21.54.040 of this title.

26                   ii. The decision on the modified sign program shall be based on the  
decision-making authority's review of the facts as set forth in the application, of the  
27 circumstances of the particular case, and evidence presented at the public hearing.

28     ///

1                   iii. The decision-making authority shall hear the matter, and may  
2 approve or conditionally approve the sign program if all of the findings of fact in Section  
3 21.41.060.H. of this title are found to exist.

4 G. Findings of fact for sign programs that comply with standards of this chapter:

5           1. A proposed sign program will be approved only upon the following  
6 findings:

7                   a. All signs comply with the sign area, number, height, location and other  
8 sign standards as set forth in this chapter.

9                   b. The signs have been integrated with the project's building, site and  
10 landscaping design to form a unified architectural statement.

11 H. Findings of fact for modified minor sign programs or modified sign programs that  
12 vary from the standards of this chapter:

13           1. A modified minor sign program or modified sign program that varies from  
14 the standards of this chapter shall be approved only upon the following findings:

15                   a. The standards established by the modified minor sign program or  
16 modified sign program do not exceed any applicable rules or limits in the General Plan or  
17 Local Coastal Program;

18                   b. The modified minor sign program or modified sign program is necessary  
19 to ensure that signs are proportionate to and compatible with the number, size, height,  
20 scale and/or orientation of project buildings;

21                   c. The modified minor sign program or modified sign program is necessary  
22 to ensure the visibility of the overall development to pedestrians and motorists; and

23                   d. The modified minor sign program or modified sign program is necessary  
24 to enhance the overall project design, and the aesthetics and/or directional function of all  
25 proposed signs.

26 I. Announcement of decision and findings of fact.

27           1. When a decision on a modified minor sign program or modified sign  
28 program is made pursuant to this chapter, the decision-making body shall announce its  
decision in writing in accordance with the provisions of Section 21.54.120 of this title.

J. Effective date and appeals.

          1. Decisions on modified minor sign programs and modified sign programs  
shall become effective and may be appealed in accordance with the applicable provisions  
of Sections 21.54.140 and 21.54.150 of this title.

K. Expiration, extensions and amendments.

          1. The expiration period for an approved modified minor sign program or  
modified sign program shall be as specified in Section 21.58.030 of this title.

          2. The expiration period for an approved modified minor sign program or  
modified sign program may be extended pursuant to Section 21.58.040 of this title.

          3. An approved modified minor sign program or modified sign program may  
be amended pursuant to the provisions of Section 21.54.125 of this title.

L. Existing Sign Programs.

          1. Existing sign programs approved prior to the effective date of this chapter  
are subject only to the message substitution provision of this chapter; all other terms of  
the existing sign program shall continue in force.

M. Binding Effect.

1           1.       After approval of a sign program, modified minor sign program or modified  
2 sign program all signs subsequent thereto shall be erected, constructed, installed,  
3 displayed, altered, placed or maintained only in conformance with such program unless  
4 and until modified by the procedures outlined herein.

5       **21.41.070 General sign standards.**

6       The following sign standards shall apply to all signage within the city.

7       A.       Sign Area.

8           1.       Sign area is computed as follows:

9               a. Wall, Retaining Wall, Monument, Suspended, Fascia, Awning, Window  
10 and Landscape/Hardscape Feature Signs.

11                  i. Sign area shall be computed by measuring the smallest square,  
12 rectangle, triangle, circle or combination thereof that will encompass the extreme limits  
13 of the graphic image, writing, representation, emblem or other display.

14                  ii. Sign area does not include any supporting framework or bracing  
15 unless such is designed in a way as to function as a communicative element of the sign.

16               b. Pole Signs.

17                  i. Sign area shall be computed as the area of the surface(s) upon which  
18 the sign message is placed including the supporting column(s) if decorated or displayed  
19 with advertising.

20               c. Multi-Faced Signs.

21                  i. The sign area for a two-sided or multi-faced sign shall be computed by  
22 adding together the area of all sign faces visible from any one point.

23                  ii. When two sign faces are placed back to back, so that both faces  
24 cannot be viewed from any one point at the same time, and when such sign faces are part  
25 of the same structure, the sign area shall be computed by the measurement of one of the  
26 faces.

27                  iii. In the case of a sign of spherical or cylindrical shape, the area of the  
28 sign shall be one-half of the surface area.

              d. Flags, Banners, Pennants, etc.

                i. Sign area is the entire surface area, one side only.

          B.       Sign Height.

              1.       Sign height is measured as follows:

                a. Monument, Pole and Freestanding Signs.

                    i. Sign height is specified as the greatest vertical measurement from the  
top of the sign or sign cabinet, including all ornamentation and supports, to the average  
grade beneath the sign.

          C.       Placement of Commercial Signs.

              1.       Commercial signs shall be placed on the property of the use for which the  
sign is intended to identify or relate, unless placement on another property is specifically  
allowed by this chapter or other relevant law.

          D.       Placement of Noncommercial Messages on Signs.

              1.       Noncommercial messages are allowed wherever commercial signage is  
permitted within Chapter 21.41 and is subject to the same standards and total maximum  
allowances per lot or building of each sign type specified in this chapter.

2. A permit is required for a noncommercial message only when the sign structure has not been previously permitted.

#### **21.41.080 Sign Design Standards.**

Each permanent approved sign shall meet the following design standards.

##### **A. Colors.**

1. For commercial messages on signs, fluorescent, "Day-Glo" and similar colors shall not be used.

##### **B. Materials.**

1. All permanent signs shall be constructed of durable materials, which are compatible in kind and/or appearance to the building supporting or identified by the sign.

2. Such materials may include, but are not limited to:

- a. ceramic tile,
- b. sandblasted, hand carved or routed wood,
- c. channel lettering,
- d. concrete, stucco or stone monument signs with recessed or raised lettering.

##### **C. Sign Location.**

1. Wall signs must be located below the roofline on structures with pitched roofs. However, wall signs can be located on the parapet of a flat roofed building. Wall signs are not allowed on any equipment enclosure located above the roofline.

2. Directional signs shall be located to facilitate traffic internal to the site.

##### **D. Relationship to Buildings.**

1. Each permanent commercial message sign located upon a premises with more than one main building, such as a commercial, office or industrial project, shall be designed to incorporate the materials common or similar to all buildings.

##### **E. Relationship to Other Signs.**

1. Where there is more than one sign on a lot, building or project site, all permanent signs displaying a commercial message shall have designs which similarly treat or incorporate the following design elements:

- a. Type of construction materials;
- b. Sign/letter color and style of copy;
- c. Method used for supporting sign (i.e., wall or ground base);
- d. Sign cabinet or other configuration of sign area;
- e. Illumination; and
- f. Location.

##### **F. Relationship to Streets.**

1. Signs shall be designed and located so as not to interfere with the unobstructed clear view of the public right-of-way and nearby traffic regulatory signs of any pedestrian, bicyclist or motor vehicle driver.

##### **G. Sight Distance.**

1. No sign or sign structure shall be placed or constructed so that it impairs the City's sight distance requirements, per City Engineering Standards, at any public or private street intersection or driveway.

##### **H. Sign Illumination.**

1. Illuminated wall signs are prohibited on any building elevation that faces and is located within three hundred feet of any property line that adjoins residentially zoned property.

2. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to minimize light spillage onto the public right-of-way or adjacent properties.

3. Externally illuminated signs shall be lighted by screened or hidden light sources.

4. Free-standing and building-mounted signs shall either be non-illuminated or externally illuminated, except for signs with opaque backgrounds which give the appearance of individual channel letters and/or changeable copy signs.

I. Logos and Graphics.

1. Corporate logos and graphics may be used in conjunction with allowed signage. Logos, graphics and trademarks are included in total sign area, and are subject to sign height standards, but are not subject to sign letter height standards.

J. Landscaping.

1. Each monument and pole sign shall include landscaping around the base of the sign, at a minimum ratio of two square feet for every one square foot of sign area, so as to protect the sign from vehicles, improve the appearance of the installation and screen light fixtures and other appurtenances.

**21.41.090 Coastal zone sign standards.**

A. The following sign restrictions apply to properties in the coastal zone except the Agua Hedionda Lagoon and Carlsbad Village Review segments. If there is a conflict between the coastal zone sign standards of this section and any regulations of this chapter, the standards of this section shall prevail. Otherwise, within the coastal zone, the sign regulations of this chapter shall apply.

1. Each business or establishment shall be entitled to one façade sign.

2. Each shopping complex shall have only one directory sign which shall not exceed fourteen feet in height, including mounding.

3. Monument sign height including mounding shall not exceed eight feet and shall apply where three or fewer commercial establishments exist on a parcel.

4. Tall freestanding and roof signs shall not be allowed.

5. Off-premises signs shall not be allowed.

**21.41.095 Permitted permanent signs.**

Table B states the criteria for a permit for permanent signs for each type of development and/or corresponding zones. In addition to the type of sign permitted, Table B provides the maximum number, maximum sign area, maximum sign height and letter height, permitted location and other standards.

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**Table B**  
**Permanent Signs Permitted by Type of Development and Zone With a Sign Permit**

Type of Development and/or Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
Single Family Residential Lots	See Section 21.41.100, Permitted Temporary Signs	-----	-----	-----	-----	-----
	See Section 21.41.040, Signs on Private Property Not Requiring a Sign Permit	-----	-----	-----	-----	-----
Residential Subdivisions, Condominiums, Apartment Projects and Mobile Home Parks	Monument	1 per project entrance	60 square feet per sign	6 feet above average grade/24 inches	Driveway entrance or at other strategic location.	(See Note #1 below)
	Directory Signs - Wall Mounted or Freestanding	1 per building entrance	6 square feet per sign	6 feet above average grade/-----	Signs are to be located and oriented to direct visitors upon entry into the project or building.	-----
Commercial Centers and Freestanding Commercial Buildings (located within the C-1, C-2, C-L or C-T zones)	Monument	1 per driveway entrance	60 square feet per sign	6 feet above average grade/24 inches	Driveway entrance or at other strategic location.	(See Note #1 below)

Type of Development and/or Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
	Wall, Fascia or Awning	No maximum number	Total sign area for all wall, fascia or awning signs shall not exceed 1 square foot per each lineal foot of building frontage	Varies/Tenant Leased Space:  < 2,500 square feet: ---/24 inches  2,500 - 10,000 square feet: ---/30 inches  10,001 -50,000 square feet: ---/36 inches;  > 50,000 – 100,000 square feet ---/48 inches  >100,000 square feet ---/60 inches	1. Fascia Sign: Centered on Fascia.  2. Awning Sign: Over doors or windows	1. The length of any sign shall not exceed 75% of the length of the building frontage or lease space to which the sign pertains.  (See Note #2 below)  (See Note #3below)  (See Note #6 below)
	Suspended or Projecting	1 per establishment	6 square feet per sign	Minimum 8 foot clearance from finished grade to bottom of sign.	Suspended - Underside of walkway overhang at 90 degrees to the business establishment.	Suspended may not be internally illuminated
	Directional Sign	3 per driveway entrance	6 square feet per sign	6 feet above average grade/ -----	Should be located to facilitate traffic internal to the site.	
Drive-Thru Facilities	Reader Board Wall or Monument	Restaurants: 2 per existing establishment  Other non-restaurant drive-thru facilities: 1 per establishment	24 square feet per sign	6 feet above average grade/ -----	-----	Reader boards are allowed in addition to other signs permitted for Commercial Centers and Freestanding Commercial Buildings.
Regional Commercial Center	Pole	1 per center	150 square feet per sign	35 feet above average grade	Primary project entrance or in a location approved by the city planner.	1. Pole sign is allowed in addition to other signs permitted for Commercial Centers.

Type of Development and/or Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
	Digital Display					Regional commercial centers that satisfy all of the following criteria: a) are designated Regional Commercial (R) by the General Plan, b) are located within a Master Plan or Specific Plan and c) have frontage on a freeway (I-5 or SR 78) may include digital display sign(s) subject to the approval of a conditional use permit (CUP) by the City Council. The CUP will include detailed digital display sign development standards and is subject to required findings by the City Council.
Office, Industrial and Commercial uses in the R-P, O, C-M, P-M, and M zones	Monument	1 per lot	60 square feet per sign	6 feet above average grade/24 inches	Primary driveway entrance or at other strategic location.	(See Note #1 below) (See Note # 5 below)
	Directional Signs	3 per driveway entrance	6 square feet per sign	6 feet above average grade/-----	Should be located to facilitate traffic internal to the site.	

Type of Development and/or Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
	Wall	Buildings less than 50,000 square feet in area: 2 signs per building (1 sign per building elevation)	50 square feet per sign	----/24 inches	-----	(See Note #3 below)  (See Note #4 below)  (See Note #5 below)  (See Note #6 below)
		Buildings 50,000 - 100,000 square feet in area : 4 signs per building (2 signs per building elevation)	60 square feet per sign	----/36 inches		
		Buildings greater than 100,000 square feet in area: 6 signs per building (2 signs per building elevation)	70 square feet per sign	---/48inches		
Office or Industrial Establishment with a separate building entrance in a multi-tenant building	Wall or Fascia	1 per establishment	8 square feet per sign	----/12 inches	Directly above entrance	Allowed in addition to wall signs permitted for buildings in the R-P, O, C-M, P-M and M zones.
Ground Floor Commercial establishment with a separate building entrance in a multitenant building located in the R-P, O, C-M, P-M and M zones	Wall or Fascia	1 per establishment	20 square feet per sign	-----/18 inches	1. Wall Sign: Not permitted above the plate height elevation of the ground floor  2. Fascia Sign: Centered on fascia, directly above establishment entrance.	

Type of Development and/or Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
Commercial establishment with a separate building entrance in a multi-tenant building located in the R-P, O, C-M, P-M and M zones	Suspended	1 per establishment	5 square feet per sign	Minimum 8 foot clearance from finished grade to bottom of sign/----	Underside of walkway overhang at 90 degrees to the commercial business establishment.	May not be internally illuminated.
Office/Industrial Parks	Park identification sign	1 per each park entrance that is located along an arterial road	75 square feet per sign	6 feet above average grade/24 inches	Near primary park entrances.	(See Note #1 below)
Hotels/Motels	Monument	1 per driveway entrance	60 square feet per sign	6 feet above average grade/24 inches	Primary project entrance or at other strategic location	(See Note #1 below)
	Wall or Fascia or Awning	2 Wall or Fascia or Awning Signs per street frontage	Total sign area for all wall, fascia or awning signs (per building) shall not exceed 1 square foot per each lineal foot of building frontage.	-----/24 inches	1. Fascia Sign: Centered on Fascia.  2. Awning Sign: Over doors or windows.	(See Note #2 below)  (See Note #3 below)  (See Note #6 below)
	Directional	3 per driveway entrance	6 square feet per sign	6 feet above average grade/-----	Should be located to facilitate traffic internal to the site	
Professional Care Facility	Monument	1 per driveway entrance	60 square feet per sign	6 feet above average grade/24 inches	Primary project entrance or at other strategic location	(See Note #1 below)
	Wall	1 per street frontage	Total wall sign area shall not exceed 1 square foot per each lineal foot of building frontage.	----/24 inches	-----	(See Note #3 below)  (See Note #6 below)
	Directional	3 per driveway entrance	6 square feet per sign	6feet above average grade/-----	Should be located to facilitate traffic internal to the site	

Type of Development and/or Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
Resort Hotels	Monument	1 per driveway entrance	60 square feet per sign	6 feet above average grade/24 inches	Primary project entrance or at other strategic location	(See Note #1 below)
	Wall	1 per street frontage	60 square feet per sign  Total wall sign area shall not exceed 1 square foot per each lineal foot of building frontage	----/36 inches	-----	(See Note #2 below)  (See Note #3 below)  (See Note #6 below)
	Directional	3 per driveway entrance	6 square feet per sign	6 feet above average grade/-----	Should be located to facilitate traffic internal to the site	
Gas/Service Stations	Monument	1 per street frontage	60 square feet per sign	6 feet above average grade/24 inches	Primary project entrance or at other strategic location	(See Note #1 below)  Sign may include motor fuel prices as required by State law.
	Wall	1 per street frontage	30 square feet per sign	24 inches		(See Note #3 below)  (See Note #6 below)
	Canopy	4 per site	10 square feet per sign	-----/18 inches	Attached to canopy, not to extend beyond or above the canopy	Must be designed as an integral part of the canopy structure.
	Fuel Pump	1 per fuel pump	2.5 square feet per sign	-----	Must be attached to the fuel pump	-----
	Pole (freeway service stations only)	1 per site	50 square feet per sign	35 feet above average grade/36 inches	-----	Only permitted at freeway service stations.

Type of Development and/or Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
Stand-alone Theater or Cinema	Wall	1 per street frontage	Total sign area for all wall signs shall not exceed 1 square foot per each lineal foot of building frontage.	----/60 inches	-----	(See Note #3 below)  (See Note #6 below)  See Commercial centers for permitted signage for a theater that is not a stand-alone establishment.
	Suspended or Projecting	1 per site	6 square feet per sign	Minimum 8 foot clearance from finished grade to bottom of sign.	Suspended- Underside of walkway overhang at 90 degrees to the building	Suspended may not be internally illuminated
	Attraction Board (Pole or Marquee)	1 per site	100 square feet plus 10 square feet per screen or stage over 1, up to a maximum of 160 square feet per sign	Maximum pole sign height: 35 feet above average grade/24 inches  Marquee: -----/24 inches	Marquee signs must be building mounted.	-----
	Program Poster	1 per screen or stage	6 square feet per sign		Must be building mounted.	-----
Government, Church, or Private School	Wall	1 per street frontage	40 square feet per sign  Total wall sign area shall not exceed 1 square foot per each lineal foot of building frontage	----/24 inches	-----	(See Note #6 below)
	Monument	1 per street frontage	60 square feet per sign	6 feet above average grade/24 inches	Primary project entrance or at other strategic location.	(See Note #1 below)
	Directional	3 per driveway entrance	6 square feet per sign	6 feet above average grade/-----	Should be located to facilitate traffic internal to the site.	

Type of Development and/or Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Additional Sign Standards – See Sections 21.41.070 – 21.41.090 and those listed below
Public Parks, Playgrounds, Recreational Facilities, Nature/Interpretive Centers and similar uses	Monument	1 per street frontage	60 square feet per sign	6 feet above average grade/24 inches	Primary project entrance or at other strategic location.	(See Note #1 below) (See Note #3 below) (See Note #6 below)
	Wall	1 per street frontage	30 square feet per sign	24 inches		
	Directional	3 per driveway entrance	6 square feet per sign	6 feet above average grade/-----	Should be located to facilitate traffic internal to the site.	
Produce/Flower Stand in the E-A, R-A and L-C zones	Wall or Freestanding	1 per produce/flower stand	32 square feet per sign	Freestanding: 8 feet above average grade/24 inches	Freestanding: Primary project entrance	Shall be displayed only during the time period the produce/flowers are available for sale on the property
Nursery, Greenhouse, Packing Shed, Stable, Riding Academy and similar uses	Freestanding	1 per site	32 square feet per sign	8 feet above average grade/24 inches	Primary project entrance or at other strategic location	May not be illuminated
P-U zone	Monument	1 per street frontage (2 signs maximum)	60 square feet per sign	6 feet above average grade/24 inches	Primary project entrance or at other strategic location	(See Note #1 below)
	Wall	1 per street frontage (2 signs maximum)	40 square feet per sign	----/24 inches	-----	(See Note #6 below)
	Directional	3 per driveway entrance	6 square feet per sign	6 feet above average grade/-----	Should be located to facilitate traffic internal to the site.	
OS zone, except for uses listed elsewhere in this table	See Section 21.41.100, Permitted Temporary Signs	-----	-----	-----	-----	-----

Note #1	Monument signs on entry walls (e.g., curved, angled or similar walls integrated into a project entry or perimeter) are permitted. In cases where entry walls are located on both sides of an entry drive, one sign on each wall (each at the maximum square footage) is permitted.
Note #2	Building elevations on restaurants, hotels or motels which front along or are within three hundred feet of the right-of-way of and visible from Interstate 5, State Route 78, Palomar Airport Road or El Camino Real shall not have more than one wall sign along those elevations.
Note #3	Illuminated wall signs are prohibited on any building elevation that faces and is within three hundred feet of any property line that adjoins residentially zoned property.
Note #4	<p>Building elevations which front along or are within three hundred feet of the right-of-way and visible from Interstate 5, State Route 78, Palomar Airport Road or El Camino Real shall not have more than one wall sign along those elevations.</p> <p>Notwithstanding the above, two wall signs along a building elevation that fronts the above-noted corridors may be permitted under the following circumstances:</p> <p>(a) A building elevation must have a minimum of one hundred fifty lineal feet in order to have more than one wall sign along that elevation.</p> <p>(b) The minimum spacing between wall signs along an elevation shall not be less than seventy-five feet.</p> <p>(c) The cumulative length of all wall sign(s) along any building elevation shall not exceed one-third of the length of that same elevation.</p>
Note #5	These sign standards supersede the sign standards for the C-M, M and P-M zoned properties that are located within Area 4 of the El Camino Real corridor development standards.
Note #6	Wall signs must be located below the roof line on structures with pitched roofs. However, wall signs can be located on the parapet of a flat roofed building. Wall signs are not allowed on any, equipment enclosure located above the roof line.

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**21.41.100 Permitted temporary signs.**

Table C provides a listing of all temporary signs permitted for each type of development and corresponding zones with a sign permit. In addition to the type of sign permitted, Table C provides the maximum number, maximum sign area per sign, maximum sign height and letter height, permitted location and other provisions.

**Table C**  
**Temporary Signs Permitted By Type of Development and Zone With a Sign Permit**

Type of Development and Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Remarks
Projects which are under Construction in all zones	Wall or Freestanding	1 per project	32 square feet per sign	Freestanding: 8 feet above average grade/ -----	Must be located on the project site.  May not project into the public right-of-way.	1. May not be illuminated.  2. Shall be removed prior to the granting of the last Certificate of Occupancy by the city.

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Type of Development and Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Remarks
Real Property or project which is for rent, sale or lease – in all zones (owner’s real property or owned by others with owner’s consent, per California Civil Code 713)	Freestanding	1 per property	Residential Projects of 2 to 10 units: 12 square feet, Residential Projects of more than 10 units, Commercial , Office and Industrial properties: 32 square feet per sign	8 feet above average grade	Must be located on the property.  May not project into the public right-of-way.	1. May not be illuminated.  2. Residential Projects: shall be removed from the property within 15 days from the date that all the properties are sold or no longer for sale, whichever occurs first.  3. Commercial and Office/ Industrial Properties: shall be removed from the building or property within 15 days after the sale, rental or lease.

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Type of Development and Zone	Type of Sign	Maximum Number of Signs	Maximum Sign Area	Maximum Sign/Letter Height	Location	Remarks
All Commercial, Office and Industrial zones	Interim Temporary Sign	1 per establishment	30 square feet per sign	-----	Attached to monument or wall at the establishment location.	1. Permitted only for establishments waiting for permanent sign construction and installation.  2. Approval limited to 45 days maximum or when the permanent sign is installed whichever occurs first.  3. A city sign permit for the permanent sign must first be issued.
All Commercial, Office, and Industrial zones	Banner or Freestanding Signs with a Temporary Seasonal Sales Location Permit	1 per street frontage	30 square feet per banner or freestanding sign	-----	Must be located on the site of the seasonal sales event.	Limited to the period of time specified in the Temporary Seasonal Sales Location Permit.
Any Public or Private Property with a Special Events Permit (See C.M.C. Chapter 8.17)						
Community Event at Public Parks/ Recreational Facilities					Pursuant to other provisions of the Carlsbad Municipal Code.	

#### 21.41.110 Construction and maintenance.

##### A. Construction.

1. Every sign, and all parts, portions and materials thereof, shall be manufactured, assembled and erected in compliance with all applicable state, federal and city regulations and the latest adopted versions of the Building Code and the National Electric Code.

##### B. Maintenance.

1           1.       Every sign and all parts, portions and materials shall be maintained and  
kept in good repair.

2           2.       The display surface of all signs shall be kept clean, neatly painted and free  
3       from rust, cracking, peeling, corrosion or other states of disrepair.

4       **21.41.120 Removal of signs.**

5       A.       Any sign which is unsafe, as defined herein, or which does not conform to Uniform  
6       Building Code and National Electric Code standards, or installed or placed in the public  
7       right-of-way or on city property contrary to other provisions of the Carlsbad Municipal  
Code, may be removed by any officer or employee of the city designated to do so without  
prior notice. Alternatively, the city may issue a notice of nonconformance and give the  
sign owner and/or the property owner fifteen days in which to cure the nonconformance.

8       B.       Any other sign that is in violation of the provisions of this chapter must be  
9       removed by the permittee, owner or person in charge of the sign upon written notice by  
10      the city. Such written notice shall specify the nature of the violation, order the cessation  
thereof and require either the removal of the sign or the execution of remedial work in  
the time and in the manner specified by the notice.

11      C.       The time for removal or repair shall not be less than thirty calendar days from the  
12      date of mailing the notice for permanent signs and not less than fifteen calendar days for  
temporary signs.

13      D.       Within ten days of the mailing of the notice, the permittee, owner or person in  
14      charge of the sign may request a hearing before the city planner to determine whether  
the sign was erected or maintained in violation of this chapter. Such request must be  
made in writing and received by the city within the ten days after mailing of notice.

15      E.       Upon receipt of a written request for a hearing, the city planner shall schedule a  
16      hearing and send a written notice by first class mail of the time, place and date for the  
17      hearing, which shall be no later than thirty days after the date of receipt of the written  
18      request, unless the party responsible for the sign requests a later hearing date. The time  
for compliance with the original order shall be stayed during the pendency of the hearing.  
The city planner will notify the appellant of the decision to affirm, modify or revoke the  
order to remove or repair within ten days of the conclusion of the hearing; failure to give  
such notice of decision shall result in the withdrawal of the notice of violation, but shall  
not prevent a new notice of violation being issued for a different time period from that  
specified in the original notice.

19      F.       Whenever the permittee, owner or person in charge of the sign fails to comply  
20      with an order of the city planner requiring compliance with this chapter, any expense of  
21      such inaction shall be charged to the permittee, owner or person in charge of the sign.  
22      Such amount shall constitute a debt owed to the city. No permit shall thereafter be issued  
23      to any permittee, owner or person in charge of the sign who fails to pay such costs. Any  
24      costs, including attorney's fees, incurred by the city in collection of the costs shall be  
25      added to the amount of the debt.

26      G.       Every person billed may request a hearing regarding the accuracy of the amount  
27      billed. Following the hearing, the city planner shall, within ten days of the conclusion of  
28      the hearing, notify the person billed of any adjustment to the bill or any determination  
not to make an adjustment. This notification shall specify the date by which such bill shall  
be paid. Nonpayment becomes a lien on the property.

1 **21.41.125 Appeal of denial or revocation.**

2 A. Any person seeking to appeal a decision of the city planner granting or denying an  
3 application for issuance of, or renewal of, a sign permit, revoking a permit or ordering the  
4 removal of a sign, must file a written notice of appeal with the city planner no later than  
5 ten days after the date of the notice of the decision. The notice shall state, with  
6 specificity, the factual and legal basis of the appeal. The city planner shall expeditiously  
7 schedule a hearing before the planning commission and notify the appellant, in writing, of  
8 the day, time and location of the hearing, which shall be held not later than thirty days  
9 after the notice of appeal is received by the city, unless time is waived by the appellant.  
10 The time for compliance of any original order shall be stayed during the pendency of the  
11 hearing before the planning commission.

12 B. The planning commission shall hold a hearing and provide the appellant with a  
13 written decision within ten days of the conclusion of the hearing. If the approval, denial,  
14 revocation or removal order is affirmed on review, the appellant may file a written notice  
15 of appeal to the city council with the city clerk no later than ten days after the date of the  
16 notice of the decision. The city clerk shall then schedule a hearing before the city council,  
17 which shall be held within thirty days of the receipt of the notice of appeal, and notify the  
18 appellant, in writing, of the day, time, and location of the hearing; however, the hearing  
19 may be held later than thirty days upon the request or concurrence of the appellant. The  
20 time for compliance of any original order shall be stayed during the pendency of the  
21 hearing before the city council.

22 The city council shall provide the appellant with a written decision within ten days  
23 of the conclusion of the hearing. Any person dissatisfied with the city council's decision  
24 may seek prompt judicial review pursuant to California law.

25 **21.41.130 Nonconforming signs.**

26 A. Except for normal repair and maintenance and any modification required for NEC  
27 compliance, no nonconforming sign shall be expanded, structurally or electrically altered  
28 (not including a change in sign face or sign copy), moved or relocated, unless it is brought  
into conformance with all current provisions of this chapter.

B. When a sign, which was in compliance with all applicable laws in effect at the time  
it was originally erected, is physically damaged, whether by vandalism, forces of nature or  
other causes, the sign may be repaired or restored to its original size, shape, height,  
orientation and message; however, the repair or restoration must be done in a manner  
which complies with current building and electrical codes and or the requirements of any  
applicable sign program.

29 **21.41.140 Remedies and penalties.**

30 Any sign, which has been properly removed under this chapter, may be returned  
31 to the owner upon payment to the city of the costs of removal. If no timely request is  
32 made for hearing or if no demand is made for the return of the sign removed, the city is  
33 authorized to destroy or dispose of the removed sign not earlier than thirty days after the  
34 removal of such sign.

35 **21.41.150 Violations.**

36 A. It is unlawful for any person to:

1           1.       Install, mount, affix, create, erect, display or maintain any sign in a manner  
that is inconsistent with this chapter or any permit for such sign;

2           2.       Install, mount, affix, create, erect, display or maintain any sign requiring a  
permit without such a permit; or

3           3.       Fail to remove any sign which the city has ordered to be removed for being  
4 in violation of this chapter.

B.       Violations of any provisions of this chapter shall be subject to the enforcement  
5 remedies and penalties provided for herein and in Chapter 1.08 of this code. The city may  
6 also pursue any civil remedies provided by law, including injunctive relief, as to signs not  
in conformance with this chapter:

7           1.       Each day of a continued violation shall be considered a separate violation  
when applying the penalty portions of this chapter.

8           2.       Each sign installed, created, erected or maintained in violation of this  
9 chapter shall be considered a separate violation when applying the penalty portions of  
this chapter.

10 **21.41.160 Severability.**

11       If any section, subsection, sentence, clause phrase or part of this chapter is for any  
12 reason found by a court of competent jurisdiction to be invalid or unconstitutional, such  
13 decision shall not affect the validity of the remaining portions of this chapter, which shall  
14 be in full force and effect. The city council hereby declares that it would have adopted  
15 this chapter with each section, subsection, sentence, clause, phrase or part thereof  
irrespective of the fact that any one or more sections, subsections, sentences, clauses,  
phrases or parts be declared invalid or unconstitutional.

16           EFFECTIVE DATE: This ordinance shall be effective thirty days after its  
17 adoption; and the city clerk shall certify the adoption of this ordinance and cause the full text  
18 of the ordinance or a summary of the ordinance prepared by the City Attorney to be  
19 published at least once in a newspaper of general circulation in the City of Carlsbad within  
20 fifteen days after its adoption. *(Notwithstanding the preceding, this ordinance shall not be*  
21 *effective until approved by the California Coastal Commission.)*

23           INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City  
24 Council on the 27<sup>th</sup> day of August, 2013, and thereafter.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
Carlsbad on the 10<sup>th</sup> day of September, 2013, by the following vote, to wit:

AYES: Council Members Hall, Packard, Wood, Blackburn and Douglas.  
NOES: None.  
ABSENT: None.

APPROVED AS TO FORM AND LEGALITY:

  
CELIA A. BREWER, City Attorney

  
MATT HALL, Mayor

ATTEST:

  
BARBARA ENGLESON, City Clerk

