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F9b

LCP-3-CAP-20-0030-1-PART B (SIGNS)

SEPTEMBER 11, 2020 HEARING

EXHIBITS

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SIGNS

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* — Prior ordinance history: Ords. 321, 341, 390, 471, 484, 486, 490, 605, 641, 644 §§ 6 and 7, 650 and 660.

~~17.57.005 — Application of chapter.~~

~~This chapter applies only to signs erected after February 9, 1996.~~

~~17.57.010 — Definitions:~~

~~As used in this chapter:~~

~~1. “Animated sign” means a sign, or any device designed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign.~~

~~2. “Balloon sign” means a spherical, flexible nonporous bag filled with air or gas lighter than air, such as helium.~~

~~3. “Banner sign” means a sign which hangs over a public street or walkway made of fireproof cloth or canvas which is displayed on a temporary basis to advertise a special event.~~

~~4. “Center identification sign” means a sign that identifies the name of a center and does not include the name of any business or businesses within the center.~~

~~5. “Directory sign” means an on-premises sign which shows the direction to or location of a customer entrance to a business.~~

~~6. “Erect” means to build, construct, attach, enlarge, hang, place, suspend, substantially alter or affix, including the painting or otherwise applying of all signs.~~

~~7. “Monument sign” means a sign wholly supported by a structure permanently attached to the ground.~~

~~8. “Freeway sign” means a sign erected for the dominant purpose of being seen by travelers on a freeway.~~

9. "Master sign program" means a program allowing the occupants of a building or project with a number of buildings to combine the total lawful sign coverage into one or more lawful signs in an integrated design concept.
10. "Noncommercial sign" means a sign, the message of which is not for the purpose of convincing persons to purchase any product or commercial service or to visit any business premises. A sign that encourages contributions to nonprofit entities is noncommercial.
11. "Projecting sign" means any sign, other than a wall sign, which is suspended from or supported by a building or wall, and which projects outward from a building wall.
12. "Roof sign" means a sign that is either:
- a. Mounted upon a roof; or
 - b. Located above a parapet, eave or highest point of the ridgeline of a building or structure.
13. "Shopping center" or "commercial center" means a building or group of buildings planned, developed, owned or operated as a unit for commercial, professional or industrial businesses located on a single parcel, sharing common parking areas or commonly owned adjacent parcels.
14. "Sign" means any device such as a display board, bill, poster, picture, lithograph, map, plat, banner, barber pole, bunting, flag, pennant, whirligig, balloon, valance, light festoon, merchandise display, structure, mural or other device and appurtenant light structure used for the purpose of advertising, informing or identifying, and placed so as to be seen from the exterior of the building or premises on which it is located.
15. "Sign area" means:
- a. For a sign on a separate sign structure, the area of the structure exclusive of any support poles is the sign area;
 - b. For a sign on a building wall having no separate structure, sign area is measured from the visible border or background color distinction which includes all graphics, letters and background;
 - c. For a building wall sign with no border or different background color, sign area is measured within a set of implied or imaginary lines parallel to and three inches outside of all graphics and letters of the sign.
16. Sign Valuation. For purposes of this chapter, sign valuation shall be prima facie the total cost or contract price of the sign. In the event such a cost or price is not available or does not fairly represent the true value of the sign, said valuation shall be based on a reasonable cost estimate established by the building official.
17. "Temporary signs" means signs which because of their materials, manner of placement or contents, appear to the reviewing authority to have an impermanent display period.
18. "Wall sign" means and includes a sign that is painted on, attached to or erected against a wall of a building or structure.
19. "Wind sign" means a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind.
20. "Window sign" means any sign painted on, or attached to, the interior or exterior side of a window.
- 17.57.015 Standard of review.
Discretionary application reviews under this chapter shall apply the following general standard:
Applications will be denied if they do not both:
- A. Maintain the character and aesthetic integrity of the subject property and the surrounding area;
- and

~~B. Reasonably prevent and reduce the sort of visual blight which results when signs are designed without due regard to effects on their surroundings. Reasonable conditions may be imposed in approving applications which would otherwise be disapproved.~~

~~17.57.020 Sign permit.~~

~~A. No person shall erect any sign upon any billboard, fence, post, pole, tree, building or other structure in the city without first obtaining a sign permit, or a written statement that a sign permit is not required, unless this chapter specifically provides for an exemption or exception to this requirement for the type of sign which is proposed.~~

~~B. The community development director or his or her designee shall issue permits for signs meeting the following criteria:~~

- ~~1. Changes to sign facing or lettering, or repainting, on an existing legal conforming sign or nonconforming sign, when the new sign is to be substantially the same size and design as that existing or originally approved;~~
- ~~2. Signs consistent with any master sign program (Section 17.57.080) previously approved by the planning commission;~~
- ~~3. Permanent window signs if the area of such signage is less than twenty percent of the total area of the window;~~
- ~~4. Sidewalk signs as allowed in this chapter.~~

~~C. The planning commission shall consider, under the standard set forth in Section 17.57.015, and take action on sign permit applications for the following types of signs:~~

- ~~1. Monument signs, wall signs, projecting signs, center identification signs, directory signs, off-site directional signs, service station signs, roof signs, master sign programs and central village signs;~~
- ~~2. Permanent window signs if the area of such signage is between twenty percent and one-third of the total area of the window;~~
- ~~3. Signs which propose to vary from the standard regulations which apply to the type of sign being proposed. (Such applications shall be processed as variances under Chapter 17.66.)~~

~~17.57.030 Exemptions.~~

~~The following signs shall be exempt from the regulations in this chapter:~~

~~A. On-site signs not exceeding one and one-half square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises or other identification of premises not having commercial connotations;~~

~~B. Flags and insignia of any government except where displayed in connection with commercial promotions;~~

~~C. Legal notices, identification, informational, safety or directional signs erected or required by governmental bodies or public utilities;~~

~~D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;~~

~~E. On-site signs directing and guiding traffic and parking on private property, but bearing no advertising matter and having a display area of less than six square feet;~~

~~F. Movie theater marquees existing prior to adoption of Ordinance No. 471;~~

~~G. Temporary signs meeting the criteria of subsection A of Section 17.57.050.~~

~~17.57.040 Prohibited.~~

~~The following signs are prohibited in the city, unless specifically exempted by other provisions (such as Section 17.57.030) of this chapter:~~

~~A. Wind Signs. Not including flags and insignia of any government;~~

~~B. Animated signs, with the exception of clocks and barber poles;~~

- C. Sound Signs. Signs which will produce sounds;
- D. Sidewalk signs; except as allowed in this chapter;
- E. Signs on Vehicles. It is prohibited to display any commercial sign in Capitola by attaching it to, suspending it from, or painting it on a vehicle which is thereafter parked in public view for more than one hour. This subsection E does not apply to (1) bumper strips, or (2) to standard identification practices where such displays are painted on, or permanently attached to, a business or commercial vehicle which is actively being used for transportation purposes by the business, or (3) to signage of the subject vehicle as "For Sale";
- F. Abandoned. No person in the city shall maintain or permit to be maintained, a sign(s) that has been abandoned on any premises which said person owns or controls. Any such abandoned sign shall be immediately removed by the owner or operator of the premises. Any sign which is located on property which became vacant and unoccupied for a period of three months or more, and any sign which was erected for an occupant or business unrelated to the present occupant or business, and any sign which pertains to a time, event or purpose which is no longer applicable, shall be presumed to have been abandoned;
- G. Freeway signs;
- H. Balloon signs greater than fifteen inches in diameter;
- I. Signs on Public Property. Signs on public property not placed there by the public entity having the possessory interest in such property. Public property is any parcel or unit owned by, or leased to, a federal, state or local governmental entity;
- J. Signs likely to obstruct motorists' line of sight. Whenever the superintendent of streets has determined that erecting signs in specific areas of private property, public property or public streets would endanger the public by reducing the line of sight of motor vehicles, or obscure safety or directory signs required by governmental bodies or public utilities, he or she shall file such determination with the city clerk. If the determination pertains to private property, he or she shall mail notice to the owner (as shown on the assessor's records) and, if the property is developed, conspicuously post notices on the property. Thereafter, no signs may be erected in such area. Property owners or leaseholders may appeal such determination as provided in Chapter 2.52;
- K. Window signs exceeding one-third of the total area of the window;
- L. Other Signs. All other signs not specifically permitted by, or exempted or excepted from, these regulations are prohibited.

~~17.57.050 Temporary signs.~~

A. No Permit Required. The following temporary signs are permitted and do not require issuance of a sign permit.

1. For Sale, Rent or Lease Signs. In all districts, signs may be erected on any parcel which advertises such parcel for sale, rent or lease. In the R-1 and R-M districts, such sign shall not exceed an area of six square feet. In all other districts, such signs shall meet with the requirements set forth in this chapter.
2. Open House Signs. In all districts, open house or model home signs, advertising real estate open for inspection for prospective sale, may be placed on the property of the unit where an open house is held, or other private property, with the consent of the owner, lessee or occupant. Such signs shall not exceed four square feet in area nor one in number for any one open house and/or model home. Each sign may say "open house" on both sides.
3. Garage/Yard Sale Signs. Garage/yard sale signs may be placed on the property of the residential unit where the garage sale is held, or on other private property if the occupant's permission has been obtained.

4. Balloon Signs. Balloon signs fifteen inches or less in diameter may be placed temporarily on private property as a decoration display linked to a special public, private or sales event.

5. Temporary Window Signs. In C-V, C-R, CN and CC districts, temporary window signs (which may periodically change), including, but not limited to posters and product information, provided that the area of such signs does not exceed one-third of the area of the window. Neon type signs are not temporary.

B. Allowable With Permit. The following temporary signs require a sign permit prior to erection, which may be issued by the community development director or his or her designee, or which may be referred to the planning commission for consideration and action. Temporary sign applications may be denied by the community development director or planning commission when it has been determined that the temporary sign is not made of suitably strong materials, or appropriately located or affixed.

1. Construction Project Signs:

a. Not more than two signs may be erected in conjunction with construction projects for the purpose of publicizing the future occupants of the building, or architects, engineers and/or construction organizations participating in the project.

b. In residential districts, no such sign shall exceed twelve square feet in area, and no freestanding sign shall exceed five feet in height.

c. In other districts, no sign shall exceed forty square feet, and no freestanding sign shall exceed eight feet in height.

d. All such signs shall be removed before the building official grants final release on the construction.

2. Subdivision Signs:

a. Not more than one temporary sign identifying a person or firm offering real estate for sale for the whole of a subdivision or substantial portion thereof shall be permitted in any city approved subdivision.

b. Such signs may state the name of the subdivider, or the subdivision, or both.

c. Such signs shall be located on the subdivision being advertised.

d. No such sign shall be erected on or situated within one hundred feet of any occupied residential property which is not within the subdivision.

e. No such sign shall exceed forty square feet in area.

f. Sign lighting, if any, shall be indirect.

g. In addition to the sign permit fee, a one hundred dollar deposit shall be required to guarantee proper maintenance and ultimate removal of the sign.

h. The permit for any such sign shall be issued for a period of one year. At the end of such period, permit extensions of ninety days each may be granted by the planning commission if good cause is shown by the permittee.

i. Upon expiration of the permit and/or extension thereof, the entire sign shall be removed by the applicant. Following the removal of the sign, upon request from the permittee, the deposit shall be refunded.

j. If for any reason the permittee fails to remove the sign, the city may cause it to be removed and shall apply the cost of such removal against the deposit, and return the remainder to the permittee.

3. Off-Site Real Estate For Sale Signs. Signs which meet the criteria of Civil Code Section 713, which are:

a. The sign concerns the sale, lease or exchange of real property.

- b. The sign is displayed on the subject property or on property for which consent to the sign has been given by the property owner or his or her agent.
- c. The advertising is limited to the following:
 - i. That the property is for sale, lease, or exchange by the owner or his or her agent.
 - ii. Directions to the property;
 - iii. The owner's or agent's name;
 - iv. The owner's or agent's address and telephone number.

Permits shall be issued for signs found to be of reasonable dimensions, design and number. In making this determination, the decision maker shall take into consideration the signs for which the property is eligible under Section 17.57.050(A)(1) and (2).

C. Other Requirements for Temporary Signs:

1. No more than two businesses may display temporary commercial signs at any one time in a shopping center pertaining to the same event.
2. No single business premises may at any one time display temporary signs (whether commercial or noncommercial) totaling more than thirty square feet in surface area. In applying this subsection, the community development director may estimate the surface area of irregularly shaped or three-dimensional signs.
3. No single business at any one location may display temporary commercial signs for more than thirty days in any calendar year.
4. Temporary business/commercial signs are allowed only in conjunction with special sales or events. Special promotions do not include advertising individual products and services or the prices of products and services.

17.57.060—Central village signs:

All signs to be erected in the central village zoning district shall comply with the central village design guidelines as specified in the following regulations for signs:

- A. Relate all signs to their surroundings in terms of size, shape, color, texture and lighting so that they are complementary to the overall design of the building and are not in visual competition with other conforming signs in the area. Signs should be an integral part of the building and site design.
- B. Arrange any external spot or flood sign lighting so that the light source is screened from direct view, and so that the light is directed against the sign and does not shine into adjacent property or distract motorists or pedestrians.
- C. Signs for buildings which house more than one business are permitted only when a program for the complex has been approved. Signs need not match but should be compatible with the building and each other.
- D. One menu box with a maximum of three square feet shall be allowed for each restaurant. The board design and materials shall be consistent with the materials and design of the building face.
- E. If banners and flags are placed on a building they must be included and reviewed as part of the sign program.
- F. Sidewalk signs are permitted in the Central Village zoning district subject to the following standards:
 1. Only one two-sided sidewalk sign per business establishment is permitted.
 2. The sidewalk in front of the business must be at least seventy-eight inches in width.
 3. Sidewalk signs consistent with the approved BIA design can be issued an over the counter sign permit by the community development director.
 4. Sidewalk signs shall be no larger than eighteen inches in width and no taller than fifty-eight inches measured from the ground.

5. The signs may be placed on poles which will either be placed in a hole drilled into the sidewalk or in moveable stand. The moveable stands cannot be more than eighteen inches wide and will need to be approved as part of the sign permit. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
 6. All sidewalk signs will need to obtain an encroachment permit. The encroachment permit will identify the location and method used to drill a hole in the sidewalk and/or the location of a sign on a base.
 7. Sidewalk signs shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A forty-eight inch level clear path of travel on concrete or similar material must be maintained where the sign is located.
 8. Sidewalk signs shall be spaced a minimum of thirty linear feet from all other permitted sidewalk signs.
 9. Sidewalk signs must use the approved Business Improvement Association master design approved by the community development director. A copy of the approved sidewalk sign shall be maintained in the planning department of the city of Capitola.
 10. Sidewalk signs may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.
 11. No other temporary advertising signs may be used at the same time as the sidewalk sign is in use. This includes all banners, flags, window signs covering more than one-third of the window or other temporary signage.
 12. All other signs on the property receiving a permit for a sidewalk sign must be in conformance with the city's sign regulations prior to a sidewalk sign permit being issued.
 13. Damaged or dilapidated sidewalk signs shall be replaced at the discretion of the community development director.
 14. No sidewalk sign may contain lights of any kind.
 15. No more than thirty sidewalk signs will be allowed in the Central Village zoning district at any time.
 16. The owner of any business desiring to place a sidewalk sign on the city right-of-way shall provide an executed city hold harmless waiver and proof of liability insurance to the satisfaction of the city attorney in the amount of one million dollars prior to placing the sign within said right-of-way.
 17. Multi-tenant developments shall be permitted one sandwich board sign per each common exterior public business entrance.
 18. Individual signs may advertise more than one business.
 19. Illegal signs or sign stands may be removed by the city of Capitola to insure public safety.
- 17.57.070 Permanent signs in nonresidential districts.
- The following kinds of permanent signs are, subject to planning commission review, allowable in all but R-1 and R-M districts, and subject to the conditions and restrictions set forth herein.
- A. Monument Signs. Except as otherwise provided in this chapter, every monument sign shall comply with the requirements of this section.
1. No such sign shall exceed eight feet above ground, except where the existing main building or proposed building, is closer than twenty-five feet from the front property line adjoining a public street, no such sign shall exceed four feet in height. The height shall be determined as measured from the sidewalk or as assessed by the community development director.
 2. The maximum area of any such sign shall be sixty square feet in the CC and IP zoning districts and thirty-five square feet in all other districts.
 3. There may be no more than one such sign for each building frontage.

4. A maximum of four tenants may be named on a monument sign.
5. In the case of a corner parcel, a monument sign may be allowed for each frontage; provided, however, that each sign be placed at least two hundred feet from the actual intersection corner.
6. The area surrounding the base of a monument sign shall be landscaped in accordance with the provisions of Chapter 17.63.
7. The use of wood materials shall be encouraged with provisions for indirect lighting permitted. Internally lighted signs shall be limited to the use of individually lighted letters with opaque or wood background materials.
8. No other sign(s) advertising the business(es) shall be permitted on the premises, with the exception of a wall sign, located so as not to be visible from the street frontage used for the monument and appropriate directional signs.
9. No such sign shall list the products to be sold or the services to be provided.
10. Monument signs shall be designed to be related to the design, building materials and architectural theme of the building on the same property, an integral part of a landscaped area or raised planter and used for identification purposes only.

B. Wall Signs. Except as otherwise provided in this chapter, every wall sign shall comply with the requirements of this section:

1. Each business shall be permitted only one wall sign, except that:
 - a. Businesses which are located adjacent to two streets (corner) shall be permitted one additional wall sign, to face the second adjacent street if the business is not identified on a monument sign.
 - b. Additional wall signs may be allowed under a master sign program.
 - c. Center identification, directory, service station and roof signs are not counted against this limitation.
2. The size of each individual sign shall not be greater than one square foot of sign area for each one linear foot of business frontage.
3. No such sign, including any light box or other structural part, shall project more than twelve inches from the building face.
4. Wall signs shall be mounted parallel to the building, unless otherwise approved by the planning commission.
5. No part of any such sign shall extend above the top level of the wall upon or in front of which it is situated. Any such sign which is suspended or projects over any public walkway or walk area shall have an overhead clearance of at least eight feet. No permanent sign may be erected over any publicly dedicated walkway or street contrary to the building code.
6. No such sign shall list the products to be sold or the services to be provided by any business.

C. Projecting Signs. Except as otherwise provided in this chapter, every projecting sign shall comply with this subsection C:

1. No such sign shall exceed sixteen square feet in area, except in residential zoning districts a projecting sign shall not exceed five square feet in area.
2. No such sign shall extend above the top level of the wall upon which it is situated.
3. No such sign shall project more than two feet over any public property or pedestrian and vehicular easement.
4. Each business shall be permitted one projecting sign.
5. An encroachment permit must be obtained for all signs projecting over a public right-of-way.
6. Any such sign that is suspended or projects over any public walkway or walk area shall have an overhead clearance of at least eight feet.
7. No such sign shall list the products to be sold or the services to be provided.

~~D. Center Identification Sign. Except as otherwise provided in this chapter, every center identification sign shall comply with this section:~~

- ~~1. No such sign shall exceed thirty square feet in area.~~
- ~~2. No such sign shall exceed five feet in height as measured from the sidewalk.~~
- ~~3. The sign shall identify the name of the center but shall not include the name of any business or businesses within the center.~~
- ~~4. In no case shall a center have more than one freestanding sign per frontage.~~

~~E. Directory Sign. Except as otherwise provided in this chapter, every directory sign shall comply with this section:~~

- ~~1. No such sign shall exceed five feet in height.~~
- ~~2. No such sign shall exceed forty square feet in area.~~
- ~~3. No such sign shall be legible from adjacent public rights-of-way.~~
- ~~4. The sign shall identify the names of the occupant of the building or complex.~~

~~F. Off Site Directional Sign. Except as otherwise provided in this chapter, every off site directional sign shall comply with this section:~~

- ~~1. A conditional use permit shall be obtained for all off-site directional signs.~~
- ~~2. Any such sign shall identify special areas or features of the community, such as civic, public or quasi-public facilities.~~

~~G. Service Station Sign. Except as otherwise provided in this chapter, every service station sign shall comply with this section:~~

- ~~1. A maximum of two signs not exceeding four square feet, shall be allowed on each pump island to denote either full service or self-service.~~
- ~~2. No other signs will be allowed to be attached to pumps or islands other than required by state law. (See Business & Professions Code Section 13530.)~~
- ~~3. A six-foot-high monument sign which displays prices charged, credit cards accepted or special services rendered shall be allowed on each street frontage.~~

~~H. Roof Sign. Except as otherwise provided in this chapter, every roof sign shall comply with this subsection:~~

- ~~1. A conditional use permit shall be obtained for all roof signs.~~
- ~~2. Roof signs shall be allowed only on single story buildings.~~
- ~~3. The supporting member of a roof sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc. The supports shall appear to be an architectural and integral part of the building.~~
- ~~4. In shopping centers and other multi-use structures, the roof signs shall be of uniform proportions, design and material.~~
- ~~5. The maximum allowable area of such roof signs shall be five percent of the area of the front face of the building.~~

~~I. Window Signs. Window signs in accordance with subsections (B)(2) and (C)(3) of Section 17.57.020.~~

~~17.57.080 Master sign program.~~

~~Programs which establish material, letter style, height, color and illumination of signs for shopping centers, office complexes and other common buildings shall require architectural and site review and/or a sign permit. Subsequent to the approval of a given business center's master sign program, individual sign permits may be issued by the community development director or his or her designee without further planning commission review. Approval of the master sign program does not waive the building department permit requirements for individual signs.~~

~~17.57.090—Special signage for commercial sites located in geographically constrained areas.~~

~~A. A parcel or contiguous group of parcels forming a commercial site, which is located in the CC—community commercial zoning district and meets the following criteria, may apply for special signage through the planning commission: the commercial site is geographically located such that, except to a very limited degree, the signs are not visible from other properties, nor from any public street (except one that dead ends within the commercial site).~~

~~B. The application for special signage, and the planning commission decision in response to it, shall, for each variety of permanent and temporary signage, specify the number, size, type, design, color and location of the sign, along with the manner, frequency and duration of the sign display.~~

~~C. The planning commission may approve additional or variations to any type of signage upon making the following findings:~~

~~1. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.~~

~~2. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area. This subsection C does not allow approval of: signs over sixteen feet high, sound signs, abandoned signs, balloon signs greater than fifteen inches in diameter, or freestanding signs.~~

~~D. The planning commission or city council may amend any approval of temporary signs under this section provided:~~

~~1. The permittees are given at least ten calendar days' written notice prior to the hearing;~~

~~2. Changed circumstances make such amendment appropriate;~~

~~3. A reasonable period of time is allowed for the affected business(es) to bring themselves into compliance.~~

~~17.57.095—Noncommercial signs in residential districts.~~

~~In C-R districts, the total area of both commercial and noncommercial signs shall not exceed thirty-five square feet per unit.~~

~~In R-1 and R-M districts, noncommercial signs shall not exceed thirty-five square feet per unit.~~

~~Noncommercial signs meeting the foregoing size limitation do not require a sign permit, but uniform construction and fire codes (see Chapter 15.04) do apply.~~

~~17.57.100—Maintenance and repair.~~

~~All signs, together with all supports, braces, guys and anchors shall be free from excessive deterioration, rot, rust and loosening and shall be maintained in safe condition as determined by the building official or community development director. The display surface of all signs shall be kept neatly painted or posted at all times.~~

~~17.57.110—Lighting and illumination.~~

~~All illuminated signs shall be designed in such a way as to avoid undue glare or reflection of light on private property and surrounding areas. In the R-1 and R-M zoning districts, signs shall be constructed in such a way that any lighting or lighting effect shall have an intensity of no more than thirty-five footcandles as measured from ground level. In all other districts, no sign shall have an intensity of more than fifty footcandles as measured from ground level.~~

~~17.57.120—Nonconforming signs.~~

~~A. Signs which are lawfully in existence and in use prior to and at the time of the legal adoption of the ordinance codified in this chapter, may remain in use even though they do not conform with the provisions of this chapter.~~

~~B. Repainting, refacing or relettering of existing legal nonconforming signs is permitted when the new copy is to be the same size and design as that existing or originally approved.~~

~~17.57.130 —Unsafe and unlawful signs:~~

~~A. Whenever a sign is found to be erected or maintained in violation of any provisions of this chapter or of any other ordinance or law, the planning department shall order that such sign be altered, repaired, reconstructed, demolished or removed as may be appropriate to abate such condition. Any work required to be done, shall, unless a different time is specified, be completed within ten days of the date of such order.~~

~~B. Failure, neglect or refusal to comply with such order of the planning department shall be sufficient basis for the revocation of any permit granted under this chapter, and shall constitute a separate offense.~~

~~C. In addition to any other remedies provided by law, the planning department shall have the power and authority summarily to remove, or cause to be removed, at the owner's expense, any sign erected or maintained in violation of the provisions of this chapter.~~

~~17.57.140 —Enforcement:~~

~~The provisions of Chapter 17.84 shall be used to enforce the contents of this chapter, but are not exclusive.~~

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17.57.150 Violations and Enforcement

17.57.010 Purpose and Applicability

A. Purpose. This chapter establishes standards relating to the permitted type, size, height, placement, number, and design of signs. The intent of these standards is to:

1. Support economically viable businesses serving city residents, workers, and visitors.
2. Allow for signage that identifies businesses in a fair and equitable manner.
3. Protect and enhance the aesthetic qualities of the city.
4. Minimize hazards to motorists and pedestrians resulting from excessive, confusing, and

distracting signs.

5. Allow for a simple and streamlined sign permitting process.

B. Applicability. This chapter applies to all signs in Capitola, except for City-installed signs and signs required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.

17.57.020 Definitions

The following definitions apply to this chapter:

A. Awning Sign. A sign incorporated into, attached, or painted on an awning.

B. Awning Face Sign. A sign located on the sloping plane face of an awning.

C. Awning Valance Sign. A sign located on the valance of an awning perpendicular to the ground.

D. Center Identification Sign. A sign identifying the name of a shopping center and that does not include the name of any business within the center. A shopping center is a commercial building or group of buildings operated as a unit on a single parcel, sharing common parking areas or commonly owned adjacent parcels.

E. Commercial Message. Any sign copy that directly or indirectly names, draws attention to, or advertises a business, product, good, service, or other commercial activity, or which proposes a commercial transaction.

F. Commercial Sign. A sign with a commercial message.

G. Construction Site Sign. An on-premise sign for an approved construction project that publicizes the future building and occupants as well as the architects, engineers and construction organizations involved in the project.

H. Directory Sign. An on-premise sign which shows the direction to or location of a customer entrance to a business.

I. Election Period. The period beginning 120 days before and ending 1 day after any national, state, or local election in which city electors may vote.

J. Flags. Fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.

K. Monument Sign. An independent, freestanding structure supported on the ground as opposed to being supported on the building.

L. Projecting Sign. Any sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall.

M. Roof Sign. Any sign that is mounted on a roof or a parapet, of a building.

N. Sidewalk Sign. Movable or permanent business identification signs placed in or attached to a

public sidewalk.

O. Sign. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise or announce the purpose of a business or entity, or to communicate information of any kind to the public.

P. Sign Area. See Section 17.57.040.A (Calculation of Sign Area).

Q. Sign Copy. The area of a sign occupied by letters, numbers, graphics, or other content intended to inform, direct, or otherwise transmit information.

R. Sign Face. The area of a sign where sign copy is placed.

S. Wall Sign. A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

T. Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view or within one foot and parallel to a window exposed to public view.

17.57.030 Permit Requirements

A. Administrative Sign Permits. An Administrative Sign Permit (Chapter 17.132) is required to install, construct, or enlarge a sign, except for:

1. Signs exempt from the permit requirements of this chapter as specified in Section 17.57.050 (Signs Allowed without Permits).
2. Signs requiring a Sign Permit as identified in Section B below.

B. Sign Permits. Planning Commission approval of a Sign Permit (Chapter 17.132) is required for the following types of signs and approvals:

1. New signs in the Central Village (CV) zoning district.
2. Exterior neon signs.
3. Monument signs for more than four tenants.
4. Auto dealership signs in the Community Commercial (CC) zoning district (Section 17.57.080.A) that are not otherwise allowed with an Administrative Sign Permit.
5. Adjustments to sign standards in low visibility areas in commercial zoning districts (17.57.120.E).
6. Signs that do not conform with permitted sign types and standards in Section 17.57.080 (Standards for Specific Types of Signs)
7. Master sign programs (Section 17.57.130).

C. Noncommercial Signs. Noncommercial signs are allowed wherever commercial signs are permitted and are subject to the same standards and total maximum allowances per site or building

of each sign type specified in this chapter.

D. Message Neutrality.

1. It is the City's policy to regulate signs in a constitutional manner that does not favor commercial speech over noncommercial speech, and is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
2. Where necessary, the Director will interpret the meaning and applicability of this chapter in light of this message neutrality policy.

E. Message Substitution.

1. Subject to the property owner's consent, a message of any type may be substituted, in whole or in part, for the message displayed on any legally established sign without consideration of message content.
2. Message substitutions are allowed by-right without a permit.
3. This message substitution provision does not:
 - a. Create a right to increase the total amount of signage beyond that otherwise allowed or existing;
 - b. Affect the requirement that a sign structure or mounting device be properly permitted, when a permit requirement applies;
 - c. Allow a change in the physical structure of a sign or its mounting device;
 - d. Allow the establishment of a prohibited sign as identified in 17.57.060 (Prohibited Signs);
or
 - e. Nullify or eliminate any contractual obligation through a development agreement or similar agreement that specifies the allowable content of a sign.

F. City-Installed Signs. City-installed signs in all zoning districts do not require a permit.

G. Other Government-Installed Signs. Governmental agency-installed signs to carry out its responsibility to protect the public health, safety, and general welfare in all zoning districts do not require a permit.

H. Signs in the Coastal Zone.

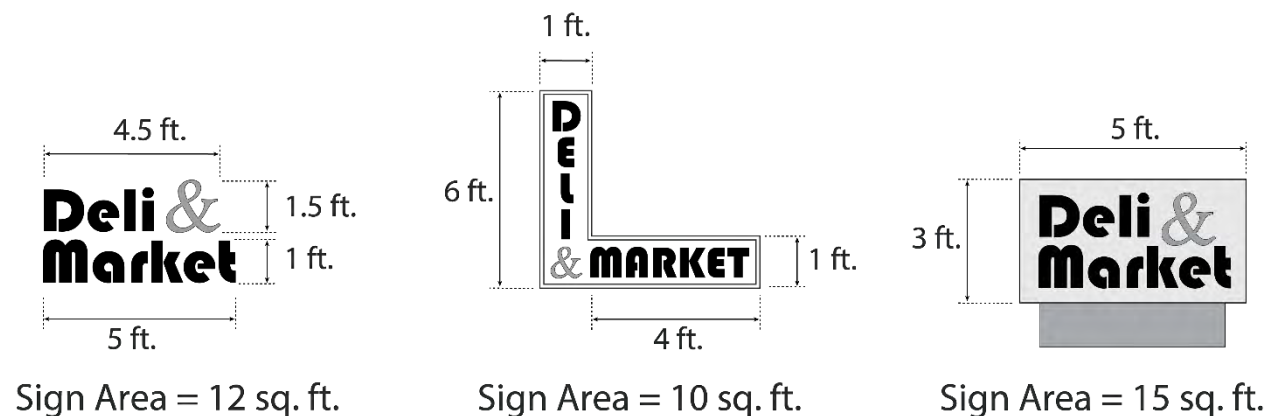
1. If a proposed sign is located in the Coastal Zone, it may require a Coastal Development Permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in 17.44.130 (Findings for Approval).
2. Notwithstanding all applicable standards in this Chapter, any sign that could reduce public coastal access, including signs limiting public parking or restricting use of existing lateral and/or vertical accessways, requires a coastal development permit.

17.57.040 Rules of Measurement

A. Calculation of Sign Area.

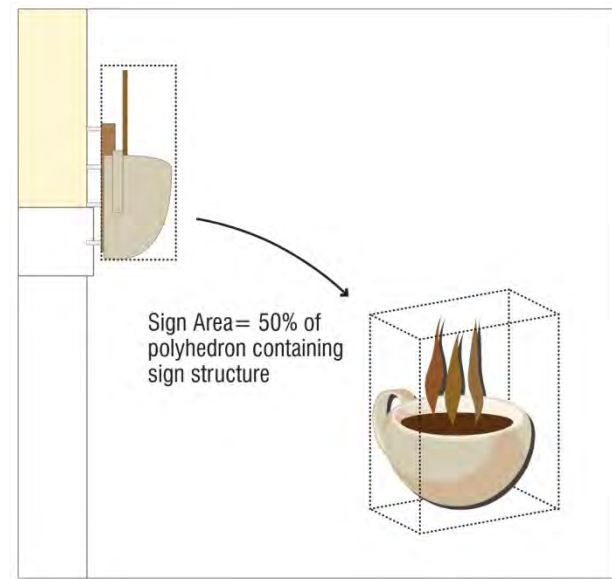
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17-80-1.

FIGURE 17-80-1: MEASUREMENT OF SIGN AREA



2. Supporting framework or bracing that is clearly incidental to the display itself shall not be calculated as sign area.
3. The area of a double-faced (back-to-back) sign shall be calculated as a single sign face if the distance between each sign face does not exceed 18 inches and the two faces are parallel with each other
4. The area of spherical, free-form, sculptural or other non-planar signs are measured as 50 percent of the sum of the area enclosed within the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. See Figure 17.57-2.

FIGURE 17.57-2: NON-PLANER SIGN AREA



B. Monument Sign Height Measurement. The height of a monument or other freestanding sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.

17.57.050 Signs Allowed Without Permits

A. Types of Signs. The following signs are allowed without a planning permit and shall not be counted towards the allowable sign area or number of signs on a parcel:

1. On-site directional signs which do not include commercial messages or images, not to exceed 3 feet in height and 6 square feet in area.
2. Informational signs which do not include commercial messages or images, displayed for the safety and convenience of the public, providing information such as “restrooms,” “danger,” “impaired clearance,” “no smoking,” “parking in rear,” “coastal access,” and other signs of a similar nature.
3. Flags bearing noncommercial messages or graphic symbols.
4. One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material.
5. One bulletin board on a parcel occupied by a noncommercial organization, with a maximum area of 12 square feet.
6. Political signs during an election period located outside of a public street, path, or right-of-way except to the extent such signs are prohibited by State or Federal law. Political signs may not exceed 6 feet in height and 32 square feet per unit.

7. Constitutionally protected non-commercial message signs not to exceed 3 feet in height, with a maximum of 6 square feet per unit; and 6 square feet per non-residential property.
 8. Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.
 9. Murals on the exterior of a building that do not advertise a product, business, or service.
 10. Official or legal notices required by a court order or governmental agency.
 11. Signs installed by a governmental agency within the public right-of-way.
 12. Signs, postings, or notices required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.
 13. Restaurant menu signs attached to a building, with a maximum area of 3 square feet.
 14. Real estate listings posted in the window of a real estate office, with a maximum area of 25 percent of the total window area.
 15. Residential signs not requiring a building permit as specified in Section 17.57.100 (Residential Signs).
 16. Temporary signs allowed without a permit as provided in Section 17.57.110 (Temporary Signs).
 17. Vacation rental signs up to 12 inches by 12 inches.
 18. Garage sale signs limited to the day of the garage sale.
- B. Building Permit Review.** Planning staff shall review all proposed signs listed in Section A (above) that require a Building Permit to verify compliance with all applicable standards.
- C. Changes to Sign Face.** Changes to a sign face that do not structurally alter or enlarge a legally-established sign and utilize similar materials shall not require a planning permit.
- D. Routine Maintenance.** The painting, cleaning, repair, and normal maintenance of a legally-established sign shall not require a planning permit.

17.57.060 Prohibited Signs

A. Prohibited Sign Types. The following types of signs are prohibited:

1. Signs or sign structures which have become a public nuisance or hazard due to inadequate maintenance, dilapidation, or abandonment.
2. Portable signs placed on the ground other than sidewalk signs permitted in the CV zoning district consistent with Section 17.57.080.K (Sidewalk Signs).
3. Roof signs.
4. Signs emitting odors, gases, or fluids.

5. Signs that feature a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind, excluding flags and insignia of any government.
6. Digital display and electronic readerboard signs which allow the image on a sign to be changed by electronic control methods, except for digital gas and service station signs consistent with Section 17.57.080.H (Gas and Service Station Signs) and parking garage signs consistent with Section 17.57.080.I (Parking Garage Signs).
7. Animated signs, with the exception of clocks and barber poles.
8. Signs that emit sound.
9. Signs which simulate in size, color, lettering, or design a traffic control sign or signal.
10. Signs which flash, blink, change color, or change intensity.
11. Beacons.
12. Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment.
13. Signs that have been abandoned, or whose advertised use has ceased to function for a period of 90 days or more.
14. Signs adversely affecting traffic control or safety.
15. Signs with exposed raceways.
16. Signs attached to trees.
17. Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by State agencies.
18. Signs erected for the dominant purpose of being seen by travelers on a freeway, except for auto dealership signs as allowed by Section 17.57.080.A (Auto Dealership Signs).
19. Inflatable signs and balloons greater than fifteen inches in diameter, except for temporary auto dealership signs.
20. Signs on or affecting public property (e.g., 'tenant parking only') not placed there by the public entity having the possessory interest in such property.
21. All other signs not specifically permitted by or exempted from the requirements of this chapter.

B. Prohibited Sign Content.

1. The following sign content is prohibited:
 - a. Obscene or indecent text or graphics.

- b. Text or graphics that advertise unlawful activity.
 - c. Text or graphics that constitute defamation, incitement to imminent lawless action, or true threats.
 - d. Text or graphics that present a clear and present danger due to their potential confusion with signs that provide public safety information (for example, signs that use the words "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
2. The content prohibited by Paragraph (1) above is either not protected by the United States or California Constitutions or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each subparagraph of Paragraph (1) above be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or California Constitutions.

17.57.070 General Sign Standards

A. Maximum Permitted Sign Area. Table 17.57-1 identifies the maximum cumulative/total sign area permitted on a property in each zoning district. Each business may have a mix of the sign types allowed by Section 17.57.080 (Standards for Specific Sign Types) provided the area of all signs on the property does not exceed the maximum established in Table 17.57-1.

TABLE 17.57-1: SIGN AREA STANDARDS

<u>Zoning District</u>	<u>Area per Linear Foot of Building Frontage</u>
<u>CV, CN, CR</u>	<u>0.5 sq. ft. per linear foot 36 sq. ft. max</u>
<u>CC, PO, IP</u>	<u>1 sq. ft. per linear foot 50 sq. ft. max</u>
<u>VS, P-F, P/OS [1]</u>	<u>As determined through Sign Permit</u>
<u>PD</u>	<u>As determined through the Development Plan</u>

Notes:

[1] Sign requirements in the Visitor Serving overlay zone shall be as required by the base zoning district.

B. Maintenance. Signs, including all supports, braces, and anchors, shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired promptly.

C. Building Surface Repair. When an existing sign is replaced or modified, any newly exposed portions of a building surface on which the sign is displayed shall be repaired and repainted to restore a uniform appearance to the surface. Compliance with this requirement includes the

removal of any excess conduit and supports, and the patching or filling of any exposed holes.

D. Illumination.

1. Non-residential signs may be internally or externally illuminated except where specifically prohibited. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Internally illuminated boxes are prohibited, except that the copy of an existing internally illuminated box sign may be replaced with a change of business.
2. The light source for externally illuminated signs shall be positioned so that light does not shine directly on adjoining properties or cause glare for motorists or pedestrians.
3. Exposed bulbs are not permitted.
4. Internal illumination is prohibited in the Central Village (CV) district.

E. Materials and Design.

1. Except for interior window signs, all permanent signs shall be constructed of wood, metal, plastic, glass, or similar durable and weatherproof material.
2. The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies and will not have an adverse effect on the character and integrity of the surrounding area.

F. Location and Placement.

1. All signs shall be located on the same parcel as the business or use that it serves, except as otherwise allowed by this chapter.
2. Signs shall not obstruct the ingress to, or egress from, a door, window, fire escape, or other required accessway.
3. Signs shall not interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The City may require sign setbacks greater than specified in this chapter as needed to maintain adequate visibility for motorists and pedestrians. See Section 17.96.050 (Intersection Sign Distance).

G. Signs in the Public Right-of-Way.

1. No sign shall be permitted in the public right-of-way, except for:
 - a. Signs installed or required by a governmental agency.
 - b. Awning, canopy, marquee, projecting, or suspended signs attached to a building wall subject to the requirements in Section 17.57.080 (Standards for Specific Types of Signs).
 - c. Sidewalk signs in the Central Village (CV) zoning district consistent with Section 17.57.080.G (Sidewalk Signs).
 - d. Shared auto dealership signs consistent with Section 17.57.080.A (Auto Dealership Signs).

2. Any sign illegally installed or placed on public property shall be subject to removal and disposal as specified in Section 17.57.150 (Violations and Enforcement). The City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.
3. Signs in the public right-of-way may require City approval of an Encroachment Permit.

17.57.080 Standards for Specific Types of Signs

Signs consistent with the standards in this section are allowed with an Administrative Permit unless Planning Commission approval of a Sign Permit is specifically required. Signs that deviate from the standards in this section may be allowed with Planning Commission approval of a Sign Permit in accordance with Section 17.57.120 (Adjustment to Sign Standards).

A. Auto Dealership Signs.

1. In addition to signs allowed with an Administrative Sign Permit (17.080.030.A), the Planning Commission may allow special auto dealership signage in the CC zoning district with approval of a Sign Permit subject to the following standards:
 - a. Location: On or adjacent to an auto dealership land use.
 - b. Placement: 10 feet minimum setback from property line abutting the public right-of-way.
 - c. Maximum Height: At or below roof line.
 - d. The Planning Commission shall review the Sign Permit application if the total combined sign area on the site exceeds 100 square feet.
 - e. The Planning Commission may allow one shared sign used by multiple auto dealerships at the entry of Auto Plaza Drive which extends into or above the public right-of-way.

The Planning Commission may allow temporary auto dealership signage, such as signage on light poles and flags and pennants, that deviate from temporary sign standards in 17.57.110 (Temporary Signs) with the approval of a Sign Permit.

B. Awning Signs.

1. Standards for awning signs in each zoning district are as shown in Table 17.57-2.
2. Awning signs shall be located on the awning above a display window or the entrance to the business it serves.
3. An awning sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

TABLE 17.57-2: AWNING SIGN STANDARDS

<u>Zoning District</u>	<u>Awning Face Sign</u>		<u>Awning Valance Sign</u>		
	<u>Maximum Area</u>	<u>Maximum Number</u>	<u>Maximum Area</u>	<u>Maximum Letter Height</u>	<u>Maximum Number</u>
<u>CV, CN, CR</u>	<u>Sign Permit Required (Chapter 17.132)</u>		<u>75 percent of valance</u>	<u>Two-thirds of valance height</u>	<u>1 sign per awning located on either the awning face or the awning valance</u>
<u>CC, PO</u>	<u>30 percent of awning face</u>	<u>1 sign per awning located on either the awning face or the awning valance</u>			
<u>IP</u>	<u>20 percent of awning face</u>				

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for awning signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for awning signs shall be established by the City Council in the Development Plan.

C. Monument Signs.

- Standards for monument signs in each zoning district are as shown in Table 17.57-3.

TABLE 17.57-3: MONUMENT SIGN STANDARDS

<u>Zoning District</u>	<u>Maximum Area</u>	<u>Maximum Height</u>	<u>Maximum Number</u>
<u>CV</u>	<u>12 sq. ft.</u>	<u>4 ft.</u>	<u>1 per property</u>
<u>CN, CR</u>	<u>16 sq. ft.</u>		
<u>CC</u>	<u>60 sq. ft.</u>	<u>8 ft.</u>	<u>1 per building frontage</u>
<u>PO</u>	<u>35 sq. ft.</u>		
<u>IP</u>			

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for monument signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for monument signs shall be established by the City Council in the Development Plan.

- Monument signs shall be placed on the property of the business associated with the sign.
- Where two monument signs are allowed on a corner parcel, each sign shall be placed at least 200 feet from the intersection corner.
- A monument sign for up to four tenants may be approved with an Administrative Sign Permit. Monument signs listing more than four tenants require Planning Commission approval of a Sign Permit.

5. The area surrounding the base of a monument sign shall be landscaped consistent with Chapter 17.72 (Landscaping).
6. Monument signs shall be placed at least 5 feet away from any public or private driveway.
7. Monument signs shall be placed at least 5 feet behind sidewalk or property line, whichever is greater.
8. The height of a monument sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.
9. Monument signs are not allowed in conjunction with wall signs on a property with three or fewer businesses.

D. Center Identification Signs.

1. Standards for center identification signs in each zoning district are as shown in Table 17.57-4.
2. Center identification signs shall identify the name of the center but may not include the name of any business or businesses within the center.
3. No more than one freestanding sign is permitted per center street frontage. If a monument sign is located along the center frontage, an additional center identification sign is not permitted.

TABLE 17.57-4: CENTER IDENTIFICATION SIGN STANDARDS

<u>Zoning District</u>	<u>Maximum Area</u>	<u>Maximum Height</u>	<u>Maximum Number</u>
<u>CV, CN, CR</u>	<u>Not permitted</u>		
<u>CC</u>	<u>60 sq. ft.</u>	<u>5 ft.</u>	<u>1 per shopping center</u>
<u>PO</u>	<u>35 sq. ft.</u>		
<u>I</u>	<u>Not permitted</u>		

Note: In the Planned Development (PD) zoning district, standards for center identification signs shall be established by the City Council in the Development Plan.

E. Directory Signs.

1. Standards for directory signs in each zoning district are as shown in Table 17.57-5.
2. Directory signs may not be legible from adjacent public rights-of-way.
3. Directory signs shall identify the names of the occupant of the building or complex.

TABLE 17.57-5: DIRECTORY SIGN STANDARDS

<u>Zoning District</u>	<u>Maximum Area</u>	<u>Maximum Height</u>
<u>CV</u>	<u>12 sq. ft.</u>	<u>4 ft.</u>
<u>CN, CR</u>	<u>16 sq. ft.</u>	
<u>CC</u>	<u>30 sq. ft.</u>	<u>5 ft.</u>
<u>PO</u>	<u>25 sq. ft.</u>	
<u>IP</u>	<u>25 sq. ft.</u>	<u>4 ft.</u>

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for directory signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for directory signs shall be established by the City Council in the Development Plan.

F. Wall Signs.

1. Standards for wall signs in each zoning district are as shown in Table 17.57-6.
2. Wall signs shall be attached parallel to the exterior wall of the business associated with the sign and may not extend above the top of building wall.
3. Wall signs may be in cabinets, on wood, or on similar material attached to the wall or painted directly on the wall.
4. Any portion of a wall sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.
5. Wall signs are not allowed in conjunction with a monument sign on a property with three or fewer businesses.
6. On a corner lot, one wall sign is allowed per street frontage.

TABLE 17.57-6: WALL SIGN STANDARDS

<u>Zoning District [1]</u>	<u>Maximum Area</u>	<u>Maximum Projection from Wall</u>	<u>Maximum Number</u>
<u>CV</u>	<u>0.5 sq. ft. per linear foot of shopfront, not to exceed 36 sq. ft. max</u>	<u>4 in.</u>	<u>1 per shopfront</u>
<u>CN, CR</u>			

<u>CC, PO, IP [2]</u>	<u>1.0 sq. ft. per linear foot of shopfront, not to exceed 36 ft.</u>	<u>12 in.</u>	<u>1 per shopfront</u>
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Notes:

[1] In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for wall signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for wall signs shall be established by the City Council in the Development Plan.

[2] Wall signs are not allowed in conjunction with a monument sign in the Industrial (I) zoning district.

G. Projecting Signs.

1. Standards for projecting signs in each zoning district are as shown in Table 17.57-7.
2. Projecting signs shall be attached to the ground floor exterior wall of the business associated with the sign and may not extend above the top of the second story finished floor.
3. Projecting signs shall maintain a minimum 2-foot horizontal clearance from a driveway or street curb.
4. An encroachment permit must be obtained for all signs projecting over a public right-of-way.
5. A projecting sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

TABLE 17.57-7: PROJECTING SIGN STANDARDS

<u>Zoning District</u>	<u>Maximum Area</u>	<u>Maximum Projection from Wall</u>	<u>Maximum Number</u>
<u>CV, CN, CR</u>	<u>4 sq. ft.</u>	<u>4 ft.</u>	<u>1 per business entryway or storefront</u>
<u>CC, PO, IP</u>	<u>8 sq. ft.</u>	<u>4 ft.</u>	<u>1 per business entryway or storefront</u>

Note:

In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for projecting signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for projecting signs shall be established by the City Council in the Development Plan.

H. Gas and Service Station Signs. In addition to signs allowed with an Administrative Sign Permit (Section 17.080.030.A), the Planning Commission may allow special gas and service station signs that comply with the following standards .

1. A maximum of two signs, not exceeding 4 square feet, shall be allowed on each pump island to denote either full service or self-service.
2. No other signs will be allowed to be attached to pumps or islands other than required by State law. (See Business & Professions Code Section 13530.)
3. A six-foot-high monument sign which displays prices charged, credit cards accepted or special

services rendered shall be allowed on each street frontage.

4. Digital changeable copy signs for gasoline pricing is permitted.

5. Two additional signs up to a maximum of 1 square foot are permitted to advertise ancillary services such as ATMs and propane. Such signs must be attached to another sign or structure and may not be a portable freestanding sign.

I. Parking Garage Signs. A maximum of one digital display signs not exceeding four square feet on each street frontage is permitted to show the number of available parking spaces.

J. Window Signs.

1. Standards for window signs in each zoning district are as shown in Table 17.57-8.

2. Window signs may be attached only to the inside of a ground floor window of the business associated with the sign.

3. Interior signs within one foot of a window and publicly visible from outside of the building shall be included in the calculation of sign area for the property.

TABLE 17.57-8: WINDOW SIGN STANDARDS

<u>Zoning District</u>	<u>Maximum Area</u>
<u>CV, CN, CR</u>	<u>25 percent of window</u>
<u>CC, PO, IP</u>	<u>30 percent of window</u>

Note:

In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for window signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for window signs shall be established by the City Council in the Development Plan.

K. Sidewalk Signs.

1. Where Allowed. Sidewalk signs are permitted only in the CV zoning district consistent with the requirements of this section.

2. Permits Required.

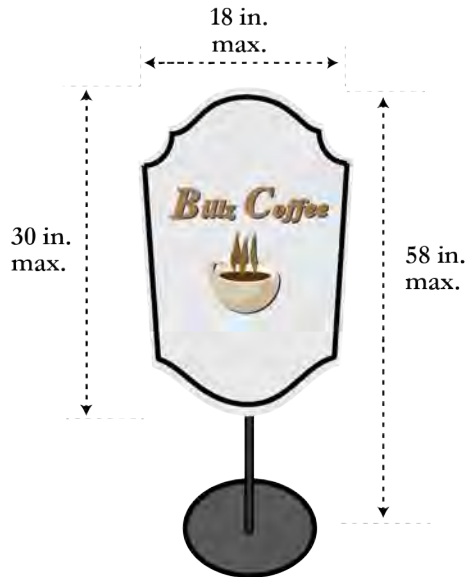
a. Sidewalk signs consistent with this section and the approved BIA design as illustrated in Figure 17-80-3 can be issued an over the counter sign permit by the Community Development Director.

b. All sidewalk signs shall obtain an encroachment permit. The encroachment permit will identify the location and method used to drill a hole in the sidewalk and/or the location of a sign on a base.

c. The owner of any business desiring to place a sidewalk sign on the City right-of-way shall

provide an executed City hold harmless waiver and proof of liability insurance to the satisfaction of the City Attorney in the amount of one million dollars prior to placing the sign within said right-of-way.

FIGURE 17-80-3: SIDEWALK SIGN STANDARDS AND DESIGN CONCEPTS



3. Dimensions. Sidewalk signs shall comply with the dimension standards in Table 17.57-9.

TABLE 17.57-9: SIDEWALK SIGNS STANDARDS

<u>Zoning District</u>	<u>Sign Face</u>			<u>Entire Sign</u>
	<u>Maximum Area</u>	<u>Maximum Width</u>	<u>Maximum Height</u>	<u>Maximum Height [1]</u>
<u>CV</u>	3.75 sq. ft.	18 in.	32 in.	58 in.
<u>All Other Zoning Districts</u>	<u>Not permitted</u>			

Note:

[1] Measured from sidewalk to top of sign

4. Number of Signs.

a. Only one two-sided sidewalk sign per business establishment is permitted.

b. Multi-tenant developments are permitted one sidewalk sign per each common exterior

public business entrance.

5. Materials and Design.

- a. Sidewalk signs shall be attached to metal poles. Poles may be either drilled into the sidewalk or inserted into a moveable base. Moveable bases shall be constructed of metal, form a circle with a diameter of no more than 18 inches, and must be approved as part of the sign permit.
- b. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
- c. Signs faces shall be constructed of solid wood, metal or similar durable and weatherproof material.
- d. No sidewalk sign may contain lights of any kind.

6. Sidewalk Clearance.

- a. The sidewalk in front of the business must be at least 78 inches in width.
- b. Sidewalk signs shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A 48-inch level clear path of travel on concrete or similar material must be maintained where the sign is located.

7. Separation from Other Sidewalk Signs. Sidewalk signs shall be spaced a minimum of 30 linear feet from all other permitted sidewalk signs.

8. Display During Open Hours. Sidewalk signs may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.

9. Advertising Multiple Businesses. Individual signs may advertise more than one business.

10. Other Business Signage.

- a. No other temporary advertising signs (Section 17.57.110) may be used at the same time as the sidewalk sign is in use.
- b. All other signs on the property must be in conformance with the City's sign regulations prior to a sidewalk sign permit being issued.

17.57.090 Design Standards

A. Design Standards for Mixed Use Zoning Districts. The following design standards apply to all signs in the CV, CN and CR zoning districts.

- 1. Signs shall preserve, complement, or enhance the architectural composition and features of the building to which it is attached. Signs may not cover or obscure significant architectural details of the building to which it is attached.

2. Signs shall be coordinated with the overall façade composition, including ornamental details and other signs on the building to which it is attached.
3. Signs shall be mounted to fit within existing architectural features. The shape of the sign shall be used to reinforce the relationship of moldings and transoms seen along the street.
4. Signs shall be located and designed so that they are legible when viewed from the sidewalk. Sign letter styles and sizes shall be designed for legibility from the sidewalk, not the street.
5. To the extent possible, sign attachment parts shall be reused in their original location (holes in the façade or fixing positions) to protect the original building materials.
6. Internally illuminated signs are prohibited in the CV, CN, and CR zoning districts.
7. Wiring conduit for sign lighting shall be carefully routed to avoid damage to architectural details and to be concealed from view as much as possible.
8. Sign materials and colors shall be compatible with the period and style of building to which is it is attached. Sign panels shall avoid the extensive use of primary color or significant areas of white or cream.
9. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.
10. The sign will not have a significant adverse effect on the character and integrity of the surrounding area.

B. Design Standards for Commercial Zoning Districts. The following design standards apply to all signs in the CC, CN and PO zoning districts.

1. Sign design shall conform to and be in harmony with the architectural character of the building.
2. Signs shall be symmetrically located within a defined architectural space.
3. Internally illuminated signs are permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Large panel internally illuminated signs are prohibited.
4. The design of monument and other freestanding signs shall relate to the architecture of the building or development they serve. Exterior materials, finishes and colors shall be the same or similar to those of the building or structures on site.
5. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.

C. Design Standards for Industrial Zoning District. Signs within the Industrial (I) zoning district shall be constructed of metal or other materials consistent with the light industrial character of the zoning district.

17.57.100 Residential Signs – Multi-Unit Properties

Multi-unit properties may display one or more master signs subject to the following requirements:

- A. A master sign program (17.57.130) has been approved for the multi-unit property.
- B. Maximum allowable sign area: 20 square feet per property.
- C. A master sign for a multi-unit property requires an Administrative Sign Permit.

17.57.110 Temporary Signs

A. Permitted Temporary Signs. Table 17.57-10 (Temporary Sign Standards) identifies temporary signs permitted either by-right or with the approval of an Administrative Sign Permit. The Planning Commission may allow other types of temporary signs or temporary signs that do not comply with the standards in Table 17.57-1 with approval of a Sign Permit.

TABLE 17.57-10 TEMPORARY SIGN STANDARDS

<u>Sign Type</u>	<u>Permit Required</u>	<u>Use Restriction</u>	<u>Maximum Number</u>	<u>Maximum Area/ Size</u>	<u>Maximum Duration</u>
<u>Auto Dealership Signs</u> <u>- Flags</u> <u>- Pennants</u> <u>- Balloons</u>	<u>None</u>	<u>Auto dealerships on</u> <u>Auto Plaza Drive only</u>	<u>No maximum</u>	<u>0.5 sq. ft. per linear</u> <u>business frontage; 30 sq.</u> <u>ft. max; 1/3 of window</u> <u>max</u>	<u>Year-round; must be</u> <u>maintained in good</u> <u>condition</u>
<u>Commercial Banner Signs</u>	<u>Administrative Sign</u> <u>Permit</u>	<u>Non-residential uses</u> <u>only</u>	<u>1 per 500 ft. of linear</u> <u>building frontage; 2 sign</u> <u>maximum</u>	<u>30 sq. ft.</u>	<u>30 continuous calendar</u> <u>days; no more than 60</u> <u>days each calendar year</u>
<u>Construction Site Signs -</u> <u>Residential</u>	<u>Administrative Sign</u> <u>Permit</u>	<u>Residential uses only</u>	<u>1 per 500 ft. of linear</u> <u>building frontage; 2 sign</u> <u>maximum</u>	<u>Height: 5 ft.</u> <u>Area: 12 sq. ft.</u>	<u>From issuance of</u> <u>building permit to</u> <u>certificate of occupancy</u>
<u>Construction Site Signs -</u> <u>Non-Residential</u>	<u>Administrative Sign</u> <u>Permit</u>	<u>Commercial and</u> <u>industrial uses only</u>	<u>1 per 500 ft. of linear</u> <u>building frontage; 2 sign</u> <u>maximum</u>	<u>Height: 8 ft.; 4 ft. in CV</u> <u>Area: 40 sq. ft.; 12 sq. ft.</u> <u>in CV</u>	<u>From issuance of</u> <u>building permit to</u> <u>certificate of occupancy</u>
<u>For Sale, Lease, and Rent</u> <u>Signs, Non-Residential</u>	<u>None</u>	<u>Commercial and</u> <u>industrial uses only</u>	<u>1 per property</u>	<u>Height: 8 ft.</u> <u>Area: 40 sq. ft.</u>	<u>1 year; Director may</u> <u>approve extension</u>
<u>For Sale, Lease, and Rent</u> <u>Signs, Residential</u>	<u>None</u>	<u>Residential uses only</u>	<u>1 per property</u>	<u>Height: 4 ft.</u> <u>Area: 6 sq. ft.</u>	<u>180 days; Director may</u> <u>approve extension</u>
<u>Open House or model</u> <u>home</u>	<u>None</u>	<u>None</u>	<u>1 per property and 1 on</u> <u>other property with</u> <u>owner consent</u>	<u>Height: 4 ft.</u> <u>Area: 6 ft.</u>	<u>Limited to day of open</u> <u>house.</u>
<u>Special Event</u>	<u>None</u>	<u>Special events.</u>	<u>1 per property and 1 on</u> <u>other property with</u> <u>owner consent</u>	<u>Height: 4 ft.</u> <u>Area: 6 ft.</u>	<u>Limited to day of special</u> <u>event.</u>
<u>Residential Subdivision</u>	<u>Administrative Sign</u> <u>Permit</u>	<u>Residential subdivisions</u> <u>and condominiums</u> <u>located in the city</u>	<u>1 per subdivision</u>	<u>Height: 10 ft.</u> <u>Area: 40 sq. ft.</u>	<u>180 days or upon the</u> <u>sale of the last unit,</u> <u>whichever comes first</u>

17.57.120 Adjustment to Sign Standards

This section establishes procedures to allow the Planning Commission to approve signs that deviate from certain standards to provide reasonable flexibility in the administration of the sign ordinance.

- A. Permit Required.** Adjustments to sign standards allowed by this section requires Planning Commission approval of a Sign Permit.
- B. Permitted Adjustments.** The Planning Commission may allow adjustment to the following sign standards:
1. The type of sign allowed in non-residential zoning districts (e.g., awning signs, monument signs).
 2. Requirements for temporary signs.
 3. The maximum permitted sign area up to a 25 percent increase.
 4. The maximum permitted sign height up to 25 percent increase.
- C. Excluded Adjustments.** The Planning Commission may not use the sign standards adjustment process to approve deviations to the following sign standards:
1. Prohibited Signs (Section 17.80.060).
 2. All general Sign Standards (Section 17.80.070) except maximum permitted sign area (17.80.70.A).
 3. Maximum number of signs allowed per property.
 4. Residential signs (Section 17.80.100).
- D. Findings.** The Planning Commission may approve an adjustment to sign standards as allowed by this section if the following findings can be made in addition to findings required to approve Sign Permit applications:
1. The sign will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
 2. The sign will not adversely impact neighboring properties or the community at large.
 3. The adjustment is necessary due to unique characteristics of the subject property, structure, or use.
 4. The sign will be consistent with the purpose of the zoning district, the General Plan, Local Coastal Program, and any adopted area or neighborhood plan.
 5. The adjustment will not establish an undesirable precedent.
- E. Low Visibility Commercial Properties.**
1. In addition to adjustments allowed by subsection A through D above, the Planning Commission may allow additional adjustments to sign standards for low visibility properties

in the CC, CN, and PO zoning districts. A low visibility property means a property where signage consistent with applicable standards would not be easily visible from the street or sidewalk due to the width of street frontage, parcel depth or configuration, placement of buildings on the property, topography, vegetation, or other physical characteristic of the property.

2. Adjustments to sign standards for low visibility properties require Planning Commission approval of a Sign Permit.
3. Adjustments are allowed to required sign types, height, size, placement, and number. Adjustments may not allow for prohibited signs or monument signs.
4. The Planning Commission may approve additional or variations to any type of signage upon making the following findings:
 - a. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.
 - b. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area.

17.57.130 Master Sign Program

- A. **Purpose.** The purpose of the Master Sign Program is to provide a coordinated approach to signage for multi-family development and multi-tenant commercial developments.
- B. **Applicability.** A Master Sign Program is required for multi-family uses with more than one permanent sign proposed, and any non-residential development with four or more tenants.
- C. **Permit Required.** A Master Sign Program requires Planning Commission approval of a Sign Permit.
- D. **Applications.** Applications shall be filed with the Planning Department on the appropriate City forms, together with all the necessary fees, deposits, exhibits, maps, and other information required by the Department to clearly and accurately describe the proposed Master Sign Program.
- E. **Master Sign Program Contents.** All Master Sign Programs shall identify the materials, color, size, type, placement and general design of signs located on a project or property.
- F. **Design Standards.**
 1. Master Sign Programs shall feature a unified and coordinated approach to the materials, size, type, placement and general design of signs proposed for a project or property. Master Sign Programs may allow for variety in the design of individual signs.

2. A Master Sign Program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, sign area, and type of sign. A Master Sign Program may not allow a prohibited signs as identified in Section 17.80.060 (Prohibited Signs).

G. Effect of Master Sign Program.

1. All subsequent signs proposed for a development or property subject to an approved Master Sign Program shall comply with the standards and specifications included in the Master Sign Program.
2. Signs consistent with an approved Master Sign Program are allowed with an Administrative Sign Permit.
3. Approval of a Master Sign Program shall supersede the regulations of this chapter. Any aspect of the proposed signs not addressed by the Master Sign Program shall be in compliance with this chapter.

17.57.140 Nonconforming Signs

This section applies to all legally-established signs that do not conform to current requirements in this chapter.

A. Continuation.

1. Except as required by paragraph 2 below, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time it was established. It is the applicant's responsibility to demonstrate that the sign was legally established.
2. At time of review of a Design Permit application for a property with a non-conforming sign on the site, the Planning Commission shall review the existing non-conforming sign in conjunction with the Design Permit. The Planning Commission may allow the continuation of the nonconforming sign only upon finding the sign is compatible with the design character and scale of the surrounding area and does not adversely impact the public health, safety, or general welfare.

B. Allowed Changes.

1. Changes to sign copy/face and repainting of legal nonconforming signs is permitted as long as there is no alteration to the physical structure or support elements of the sign.
2. A legal-nonconforming sign that sustains less than 50-percent damage to its structure may be repaired to its original pre-damaged condition, provided that such repair is completed within 180 days after the date of the damage.

C. Required Compliance. A legal nonconforming sign shall be removed or brought into compliance with this chapter in the following situations:

1. The use advertised by the sign has ceased to function for a period of 90 days or more.
2. The sign has sustained at least 50-percent damage to its structure.

3. The sign is located on a remodeled building façade.
4. The sign is relocated to a different lot or building.

17.57.150 **Violations and Enforcement**

A. Illegal Signs. It is unlawful for any person to install, place, construct, repair, maintain, alter or move a sign in a manner that does not comply with the requirements of this chapter.

B. Removal of Illegal Signs.

1. The City may immediately remove or cause the removal of any sign that places the public in immediate peril or that is located within the public right-of-way.
2. For illegal signs that do not place the public in immediate peril and are located on private property, the City shall serve the business owner, property owner, or person responsible for the sign a written certified notice that:
 - a. Describes the physical characteristics of the subject sign.
 - b. Explains the nature of the violation.
 - c. States that the sign shall be removed or brought into compliance with this article within a specified number of days after the notice is received.
 - d. States that the City will remove the sign if the business owner or person responsible for sign does not correct the violation within the specified number of days after the notice is received.
 - e. States that the City may destroy the illegal sign if it is not retrieved within 20 days of removal by the City.
 - f. States that the business owner or person responsible for all costs associated with the removal, storage, and destruction of the sign.
3. If an illegal sign is not removed or brought into compliance within the specified number of days after a notice is received, the City may issue a citation to the business owner or person responsible for the sign as provided in Municipal Code Title 4 (General Municipal Code Enforcement) and may remove or cause the removal of the sign.
4. Any accessory structures, foundations, or mounting materials which are unsightly or a danger to the public health, safety, and welfare shall be removed at the time of the sign removal.
5. A sign removed by the City shall be stored for a minimum of 20 days. If the sign is not retrieved by the business owner or person responsible for the sign within this 20-day period, the City may destroy the sign.