



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: November 4, 2015

PLANNER: Sean Nicholas, Associate Planner *SN*

SUBJECT: Zoning Amendment 15-225, Sign Exception Permit and Sign Ordinance Amendments, A request for modifications to the Sign Exception Permit and applicable modifications to the sign ordinance, including but not limited to removal of freeway oriented signs and limitations on the size of signs.

BACKGROUND

On May 19, 2015, the City Council initiated a Zoning Ordinance Amendment to evaluate the Sign Exception Permit process and related portions of the Sign Ordinance. The last update to the Sign Ordinance was in the mid-1990s, but changes were minimal and the Sign Ordinance has been relatively the same since the 1980s. With the recent approval of the General Plan, City Council requested review of the Sign Ordinance, and particularly the Sign Exception Permit portion to evaluate consistency with the community's "quality of life" character.

The Planning Commission first reviewed this issue at a Study Session on August 19, 2015. At that meeting they stated that they agreed with the issues Council requested and the early direction staff was taking to evaluate existing conditions. Additional items discussed at the Study Session will be addressed in future sign ordinance amendments.

Council Direction

City Council directed staff to review the Sign Exception Permit processes as well as the Sign Ordinance associated with freeway oriented signs, signs larger than 64 square feet, and nonconforming pole signs. Based on this direction, staff has evaluated the applicable sections of the Municipal Code, and has developed a number of recommendations to address the concerns of the City Council.

While staff was preparing the modifications, the City Attorney requested that a modification be included to address political signs based on recent State Law and legal cases. Information regarding those changes have been included from BB&K.

The goal of this meeting is to discuss staff recommended changes to the Municipal Code, and see if there are additional questions or issues that need to be addressed. A final recommendation to the City Council will be considered at a future Planning Commission meeting. Attachment 1 is all of the proposed Municipal Code changes. The strikethrough language shows the existing language that will be removed, and the red wording is the proposed language.

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DISCUSSION

Current Code Requirements

To develop freeway oriented signs in San Clemente a Sign Exception Permit is required and findings associated with special considerations and physical limitations as the primary reason for supporting the request. Similarly for signs larger than 64 square feet require a sign exception which includes findings such as unusual circumstances and not granting of special privileges. Section 17.16.260(F) details all the required findings associated with approving a Sign Exception Permit.

Freeway Oriented Signs

Based on the direction provided by City Council, staff is proposing changes to remove the possibility of Freeway Oriented Signs to be developed in the community. If approved, this would prevent freeway oriented signs in the community. In summary the proposed changes removes all findings for Freeway Oriented signs and updates Table 27.84.030A that Freeway Oriented Signs are prohibited.

Freeway Visible Signs

Another component that came from the assessment of removing freeway oriented signs, is the issue of freeway visible signs. The intent of the amendment above is to eliminate freeway oriented signs, but continue to allow freeway visible signs. The Zoning Ordinance defines Freeway Visible Signs and Freeway Oriented Signs as follows:

"Freeway-oriented sign" means any sign whose primary purpose is to identify the business to motorists on the freeway.

"Freeway visible sign" means any sign that may be visible from the freeway, but whose primary purpose is not freeway-oriented. See "freeway-oriented sign."

In staff's inventory of signs visible from I-5, it became clear that there is a difference between the two types of signs, and language needed to be added to address this issue. Exhibit 1 shows examples of these types of signs.

Exhibit 1: Examples of Freeway Visible Signs***Oversized Signs***

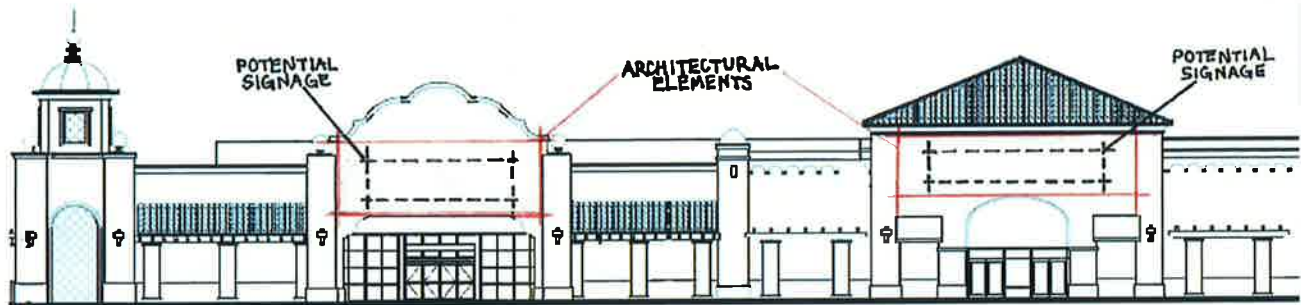
The code as written limits the size of any individual sign to 64 square feet, and any sign over that size requires a Sign Exception Permit. Staff has done research in an attempt to determine where the 64 square foot threshold came from. Staff also met with sign professionals to ascertain what was symbolic, if anything, with 64 square feet and signs. One explanation staff received was that real estate signs were once painted on a standard sheet of plywood which measures 32 square feet. In order to make a bigger sign two sheets were combined to create a 64 square foot sign. Over time, sign codes throughout America have adopted 64 square feet as a maximum sign size. There is no way to tell for sure how our community settled on 64 square feet as our sign area limit. Talking to other sign professionals, 64 square feet is not a number of significance.

Staff evaluated how a well designed sign is part of a building's architecture which can enhance rather than detract from the design. Most signs in the community are either wall signs, or some type of monument sign, with wall sign being predominant. Being that there is a direct link between a wall sign and building façade, staff recommends a modification in the way maximum size of any individual sign exceeding the 64 square foot threshold is determined. Rather than allowing Sign Exception requests to be proposed at any size, staff feels it is essential to evaluate each sign in context with the architectural element in which it will be placed. For this reason, staff has developed the following:

Maximum sign area allowed per individual sign larger than 64 square feet shall be a calculation of 75% the lineal width and 50% the lineal height of the architectural element the sign is to be located.

This approach will provide sign sizes that will directly relate and be proportional to the architectural element where the sign is proposed. Exhibit 2 is an example of what the sign area would look like on a recently reviewed project.

Exhibit 2: Example of sign area limitation for sign larger than 64 square feet



Showing architectural element used for sign area calculation



Potential sign area (architectural element area removed)

Sign Exception Permit Approval Limitations

A concern regarding the approval of Sign Exception Permits is that they run with the land, and while Planning Commission or City Council might be supportive of a sign design as shown, not knowing what a future tenant will install has been a problem for decision makers. To address this uncertainty regarding Sign Exception Permit approvals, staff has worked with the City Attorney, and is proposing modifying the language of the Sign Exception Permit time limitation. With this change, only the sign approved by the decision making body can be developed. This removes uncertainty of future signs at the site and potential design. The only exception is if the sign is approved as part of a Master Sign Program, and a change of copy will not expand the sign square footage or placement, then a change of copy could occur.

Nonconforming Pole Signs

Whenever a change of use occurred on a site with a nonconforming pole sign, the pole sign was required to be removed, or reduced to conforming heights. This practice has been precedence for the last two decades. As part of this update, Council requested this practice be better defined in the Sign Code. Staff has included this requirement under the requirements associated with removal of signs.

Existing Signs and Amortization List

As a component of staff's review on this issue, staff has gone through and attempted to catalogue all existing freeway oriented sign and nonconforming pole signs in San Clemente. Overall the total number of each type of sign came out to the following:

- Freeway Oriented Sign- 20 signs
- Nonconforming Pole Sign-13 signs

The question for Planning Commission is: Is the creation and maintenance of Amortization list something that Planning Commission feels should be done, thus recommending the process to City Council?

If Planning Commission were want to move forward with a recommendation regarding the Amortization list it would be similarly located in Section 17.81.020(H). Establishing the state required process and list will allow the City to work with business owners throughout the community to remove nonconforming pole signs and existing freeway oriented wall signs as dictated by State Law. There are processes and requirements as set forth by State Law to establish and legally maintain an amortization list, and staff has asked the City Attorney to be prepared to answer questions at the Planning Commission meeting as necessary. As a brief introduction, the City attorney has provided some information regarding state law which staff has included as part of Attachment 3.

Political Signs

At the request of the City Attorney, modifications are proposed to the sign ordinance associated with political signs. The reason for these changes are that recent federal court cases determined that limiting political signs is unconstitutional. The City Attorney will be prepared to address questions from the Planning Commission at the meeting, and a brief write up on the issue has been provided as part of Attachment 3.

Conclusion

The goal of this process is to ensure existing and future signs in the community are consistent with the General Plan goal that San Clemente is a "quality of life" community. Based on this, staff has provided various recommendations regarding the three items Council requested. Draft changes and recommendations are all provided as Attachment 1 to this staff report. Staff is looking for discussion and feedback regarding the proposals, so staff can make modifications and bring back a formal resolution of recommendation to the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission discuss the proposed changes staff has developed and provide support or additional direction regarding the issues so staff can prepare a Resolution of recommendation to the City Council.

Attachments:

- 1) Draft proposed changes to the Sign Exception Permit and Sign Ordinance portions of the Municipal Code.
- 2) Staff survey of existing freeway oriented, nonconforming pole signs, and oversized signs.
- 3) Information from the City Attorney

Section 1: Section 17.16.260 of the Municipal Code is hereby amended as follows:

A. Purpose and Intent. The intent of this section is to establish a procedure for granting exceptions to the strict application of the size, number, height, length and locational requirements for signs in this chapter. The granting of a Sign Exception Permit requires findings to be met based on a site's or business' unique location or orientation in order to achieve adequate sign visibility.

B. Authority. The Planning Commission is the final authority on Sign Exception Permits, subject to the concurrent review and appeal provisions of [Section 17.12.090](#), Consideration of Concurrent Applications, and [17.12.140](#), Appeals of an Action.

C. Applicability. A Sign Exception Permit is required for the following:

1. Any sign that exceeds the maximum standards, as listed in the Sign Matrix, [Section 17.84.030\(C\)](#), Matrix of Sign Types;
2. Any sign or signs that exceed the individual sign area allowed, as listed in [Section 17.84.020](#), General Regulations, and in the Sign Matrix, [Section 17.84.030\(C\)](#), Matrix of Sign Types;
3. Any business or site that exceeds the maximum sign area allowed, as listed in [Section 17.84.030](#), Specific Regulations by Sign Type;
4. Any sign that exceeds the permitted sign height;
5. Any business, building or site that exceeds the maximum number of signs permitted;
- ~~6. Any freeway-oriented sign, except for change of copy;~~
76. Any sign exceeding 75 percent of the length of the business façade.

F. Required Findings. Prior to approval of a Sign Exception Permit, all of the following findings shall be made:

1. There are unique or unusual circumstances relating to the size of the site or business, shape of the site or business, location and orientation of the site or business, visibility of the site or business, proximity to street frontage or length of street frontage that do not allow the site or business to achieve the goals and objectives of this chapter for adequate business identification.
2. The granting of the sign exception permit is not contrary to the intent of the General Plan, Design Guidelines, relative specific plan or Architectural Overlay District in which the sign exception is proposed.
3. The granting of a Sign Exception Permit is not considered a grant of special privileges inconsistent with the limitations of other similarly situated properties.

4. The granting of a Sign Exception Permit does not create a traffic or safety hazard.
5. The granting of a Sign Exception Permit does not adversely impact surrounding properties by increasing light, glare or noise.
6. ~~For freeway-oriented signs:~~
 - a. ~~The location of the site dictates the need for a freeway-oriented sign to allow adequate business identification.~~
 - b. ~~The design, scale, materials and location of the freeway-oriented sign provides necessary business identification to motorists on the freeway without creating adverse visual impacts.~~
 - c. ~~The design, scale and materials of the signs harmonize with the architectural design of the building it serves and are complimentary to the City's image as viewed from the freeway.~~
 - d. ~~The design and scale of the signs is appropriate to the distance from which the signs are normally viewed from the freeway.~~
 - e. ~~If applicable, the design, scale and location of the building dictates the use of a freestanding, freeway-oriented sign, rather than a building-mounted, freeway-oriented sign.~~
- G. Appeals. An appeal of the action upon a Sign Exception Permit shall be reviewed in accordance with [Section 17.12.140](#), Appeals of an Action.
- H. Modifications Requested by the Applicant. Modifications requested by the applicant to approved Temporary Use Permits shall be reviewed in accordance with [Section 17.12.180](#), Modifications of an Approved Application. **Shall be reviewed in the same process as a new Sign Exception Permit request in accordance with Chapter 17.12.**
- I. Modifications and/or Revocations Initiated by the City. The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to [Section 17.12.175](#) for related procedures and required findings.
- J. Other Review Requirements. Refer to [Chapter 17.12](#), Development. Review Process, for general application processing requirements. ~~such as time limits on approvals and time extensions.~~ **Sign Exception Permits shall be applicable only for the sign(s), which are reviewed by the decision making body. Change of copy requires processing of a new Sign Exception Permit. A Sign Exception Permit approval does not run with the land, and if the use has ceased the sign was approved for, or the structure upon which the sign is located has been abandoned by its owner, for a period of not less than 90 days then the Sign Exception Permit shall be considered expired and the sign shall be removed at the**

property owners expense. If a Sign Exception Permit is approved associated with a Master Sign Program, a change of copy can occur if the size and placement of the change of copy is the same as the originally approved sign. The sign shall be subject to Master Sign Program re-review and compliance.

Section 2: The following Sections of 17.84.010 and 17.84.020, are hereby amended in the Municipal Code as follows:

17.84.010 - Administration. □□□□□□□□

A.□Purpose and Intent. The purpose and intent of this chapter is to establish regulations for signs. The City recognizes the need for signs to identify businesses and properties within the community. The City also recognizes that signs are an important design element of the physical environment which serve to express the individuality of the business as well as the character of the community. Sign regulations which implement the City's goals and objectives are necessary. These sign regulations will help ensure both individual expression and an attractive community character. □The City's goals are to protect and enhance the City's historical, nonhistorical and residential character, as well as to enhance the City's economic base. These goals are accomplished through approving appropriately designed signs, controlling the size, location and maintenance of the signs, eliminating visually conflicting and competing sign displays and avoiding potential traffic and pedestrian safety hazards. □The City has determined these goals are best served by following the specific objectives set forth below. It is anticipated that these objectives and associated regulations will contribute to the economic viability of the City and its overall attractiveness to the residents, visitors and businesses. The City thereby establishes the following objectives: □

- 1.□To implement sign design standards that are consistent with the City's General Plan;□
- 2.□To present a set of reasonable, content-neutral, sign standards and procedures that enable fair and consistent enforcement; □
- 3.□To facilitate the improvement and protection of the environment by prohibiting misuse of certain signs and ensuring information is presented safely and effectively; □
- 4.□To promote a high quality business environment by assuring that signs are complementary to the City's goals for historic preservation and quality urban design; □
- 5.□To ensure that signs are carefully designed, aesthetically pleasing, appropriately maintained, and professional in appearance; □
- 6.□To invite artistry and innovation in signs while maintaining and improving the appearance of buildings and neighborhoods in which they are placed; □
- 7.□To reduce possible traffic and safety hazards through reduced sign clutter, the elimination of unauthorized signs in the public right-of-way, and minimizing visual competition among signs; □

8. □ To minimize the visual and lighting impacts of business signs on adjacent residential neighborhoods. □

B. □ Clarification of Ambiguities/Interpretations. If ambiguity arises within the meaning and intent of this chapter, or if ambiguity exists with respect to any standards, requirements or enforcement as set forth herein, the ambiguity shall be resolved in accordance with Section 17.04.040, Interpretations, of this title. □

C. □ Relationship to Other Applicable Documents Including Local and State Regulations. In addition to the provisions discussed in this chapter, there are other City and State regulations that may also apply depending on the specific sign and/or its location. These other regulations include, but are not limited to, the State Highway Code, Business and Professions Code, and Civil Code, as well as the City's Design Guidelines, Master Landscape Plan for Scenic Corridors and the applicable specific plan. The applicable specific plan may include additional sign standards and regulations beyond those of this chapter. If the specific plan is silent regarding certain sign standards, the regulations of this chapter shall prevail. Uniform Building and National Electrical Codes may also apply, when Building and Electrical Permits are required. □

D. □ Appeals. Any appeal of a decision made pursuant to this chapter shall be processed in accordance with Section 17.12.140, Appeals of an Action, of this title. □

E. □ Sign Violations. □

1. □ Enforcement by Person Appointed by the City Manager. It shall be the duty of the person appointed by the City Manager to enforce the provisions of this ordinance pertaining to the use of signs and the erection, construction, reconstruction, moving, alteration or addition to any signs, abandoned, or unmaintained signs or any violation of this chapter. Any permit or license of any type issued by any department or officer of the City in conflict with the provisions of this chapter is declared to be null and void. □

2. □ Public Nuisance and Enforcement. Any sign erected, constructed, altered, enlarged, converted, or moved contrary to the provisions of this ordinance, and any illegal, abandoned, or unmaintained signs contrary to the provisions of this ordinance, are hereby declared to be public nuisances; refer to Section 8.52.110, Abatement by City, of this code. □

F. □ Removal of Temporary Signs by Unauthorized Persons—Prohibited. Except as provided below, no person other than those authorized by Section 17.84.010(E)(1) shall remove any temporary sign from any property not owned or leased by that person, including any temporary sign within a public right-of-way. The above notwithstanding, a person not otherwise authorized by Section 17.84.010(E)(1) may remove temporary signs placed within the public right-of-way on property owned or leased by that person.

17.84.020 - General Regulations. □□□□□□

A.□Purpose and Intent. The purpose of these general regulations is to define the parameters for design, size, height and location of signs. The requirements related to the number, design type and size of signs outlined in this chapter are intended to be maximum standards which do not necessarily ensure compatibility with building architecture, the neighborhood and the community appearance. Consideration shall be given to the sign's relationship to the overall appearance of the subject property and surrounding area. □

B.□General Design Standards. □

1.□Construction of Signs.□

a.□Signs shall be constructed as to not obstruct line of sight for pedestrians, bicyclists or vehicular drivers. □

b.□All permanent sign faces shall be constructed of permanent materials including, but not limited to, painted and/or sandblasted wood, ceramic tile, applied letters, carved wood, metal, plastic or other compatible, durable and waterproof material. No material more combustible than treated wood shall be used in the construction of any permanent sign. □

c.□All signs shall be constructed in accordance with all applicable Uniform Building Code and National Electrical Code provisions. □

d.□Sign support hardware shall be of a compatible material and design with the sign it supports and shall compliment the architecture and design of building to which it is affixed. Sign supports of a permanent sign shall be reviewed as part of the sign application. □

e.□Signs shall be designed and oriented to minimize light or glare upon adjacent residential properties and public rights-of-way. □

f.□Sign design, scale, color and materials shall be selected that are compatible in style with the building it serves. □

2.□Lighting of Signs.□

a.□Electrical lines from buildings to signs shall be concealed from public view. Exposed raceways are prohibited. □

b.□Light fixtures in planted areas or within support structures shall be screened.□

c.□All external lighting shall be directed away from any adjacent residential uses and public rights-of-way. □

d. Internally lighted signs shall be a maximum of 200,000 lumens. Neon lighting may be used as an alternative lighting source. □

3. Landscaping. □

a. Landscaped planters shall be required to be installed at the base of all permanent freestanding signs. □

b. The area of the landscaped planter shall be at least equal in size to the area of two sign faces for pole signs and one sign face for monument signs. □

c. All landscaped planters shall be irrigated and landscaped with living plant material. Drought tolerant, low maintenance plants shall be utilized wherever possible. □

d. The type of irrigation required will be dependent on the type of landscaping proposed. Plants requiring extensive watering shall require automatic irrigation systems. □

e. All landscaped planter areas and plant materials shall be maintained in a neat and healthy manner and shall be kept free of all debris and trash. □

C. Design of signs within an Architectural Overlay District. The Architectural Overlay District sign standards are intended to maintain or enhance the character of the area. Public and private buildings have been constructed and maintained in the traditional Spanish Colonial Revival style of architecture. The district emphasizes a pedestrian orientation giving the area a distinct identity. The design, scale, color and materials of signs should be compatible with both the Spanish Colonial Revival style of architecture and the unique character of the district in which the sign is to be located. Therefore, signs within the Architectural Overlay District shall comply with the following additional standards: □

1. All signs shall be hand-crafted in appearance. □

2. Acceptable sign materials may include, but are not limited to, sandblasted and carved wood, hand-painted, glazed tile, pinned metal or wood letters, or other similar materials. All signs shall be constructed of and mounted and supported with materials compatible with the Spanish architectural theme including, but not limited to, stained wood supports and accents, trowelled stucco applications, painted terra cotta tiles, ornamental wrought iron, canvas awnings or other similar materials. □

3. Signs may be illuminated as follows: □

a. External lighting (e.g. spot lighting, goose neck lights). □

b. Back lighting.

c. Neon lighting with the approval of a Discretionary Sign Permit per [Section 17.16.250](#).

Figure

17.84.020A



Signage Integrated with Architecture

D.

D. Sign Area Allowed.

1. Maximum Sign Area Limitations for a Site.

a. Purpose and Intent. The purpose of this subsection is to regulate the maximum sign area allowed for a site. The intent of these regulations is to make the total sign area allowed on a site proportionate to the length of business frontage. The intent is also to limit the total sign area along any one boundary of a site. Within this subsection, service stations are treated differently than other businesses, in terms of the total sign area permitted, because of the typically limited scale of buildings on a service station site.

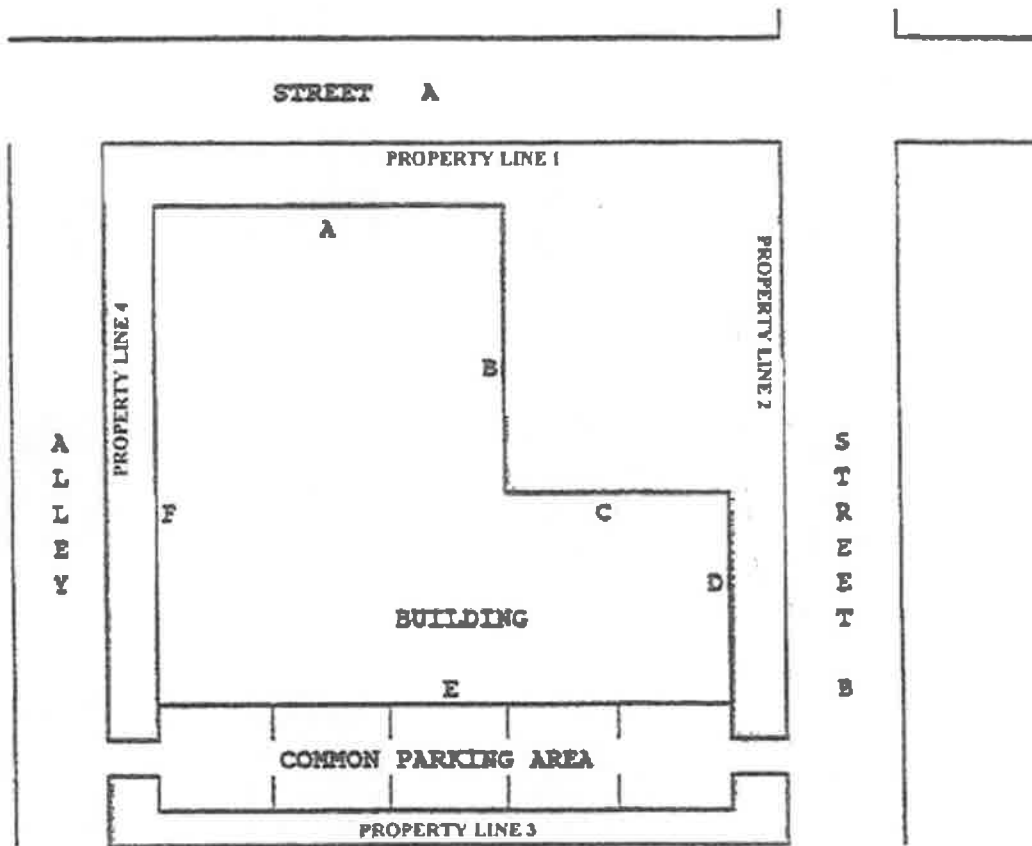
b. Maximum Sign Area Allowed Per a Site.

The maximum sign area allowed for a site shall be as follows:

i. For nonresidential buildings, one square foot of sign allowed for each lineal foot of all business façade;

ii. For service stations, one square foot of sign area allowed for each lineal foot of street frontage.

Figure 17.84.020B



$A + B + C + D + E \times 1 \text{ sq. ft.} = \text{TOTAL SIGN AREA ALLOWED FOR THIS SITE}$

Elevation F does not count towards total sign area for a site, since it does not front on a street or common parking area.

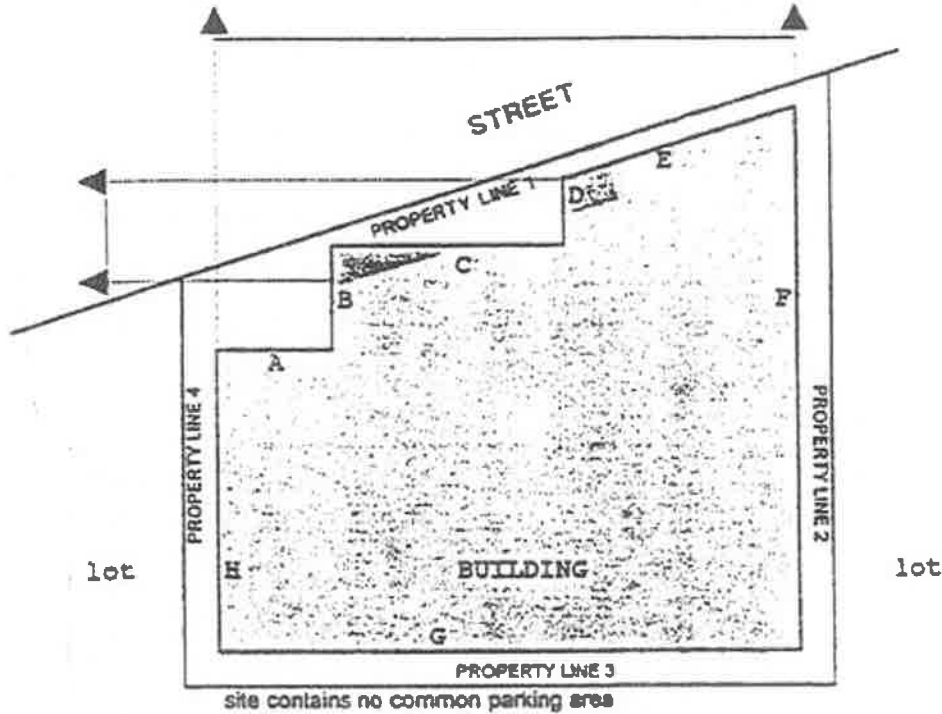
c. Maximum Sign Area Oriented Toward Any One Property Line of a Site, Common Parking Area, Pedestrian Area, Driveway or Alley.

The maximum sign area oriented toward any one property line of a site or common parking area, pedestrian space, or driveway shall be limited as follows:

- i. For nonresidential buildings, one square foot of sign allowed for each lineal foot of adjacent building elevation;
- ii. For service stations, one square foot of sign area allowed for each lineal foot of adjacent street frontage;
- iii. For signs oriented toward alleys, a maximum of one six square foot nonilluminated sign per business shall be permitted.

Figure 17.84.020C

MAXIMUM SIGN AREA AND ORIENTATION ALLOWED FOR A SITE



Total Sign Area Permitted For The Site:

$A + (\text{portion of } B) + C + D + E \times 1 \text{ sq. ft.} = \text{Total sign area for the site;}$
 elevations F, G, H and a portion of B don't front on a street or common parking area

Total Sign Area That Can Be Oriented Towards a Property Line For The Site:

Property line 1: $A + \text{portion of } B + C + D + E \times 1 \text{ sq. ft.} = \text{Total}$

Property line 2: $F \times 1 \text{ sq. ft.} = \text{Total}$

Property line 3: $G \times 1 \text{ sq. ft.} = \text{Total}$

Property line 4: remaining portion of $B + H \times 1 \text{ sq. ft.} = \text{Total}$

d. Computation of Sign Area.

i. Sign Area of Individual Single-Faced Signs. The area of a sign shall be computed based on the entire area within a single continuous perimeter enclosing the extreme limits of the sign, including all words, symbols, emblems, representations or other display, together with any material or color forming an integral part of the sign or display. The area of a sign shall also include all nonstructural perimeter trim, but excludes the structures or uprights on which the sign is supported, unless such supports or uprights are designed in a manner so as to form an integral background of the sign.

ii. Sign Area of Window Signs. The area of a window sign shall be the area composed of words, letters, symbols or other display. For maximum window sign area allowed, refer to sign matrix, [Section 17.84.030\(C\)](#) of this chapter.

iii. Sign Area of Multifaced Signs. Except for monument signs, the sign area for a sign with more than one face shall be computed by adding together the area of all sign faces. For monument signs, when two identical sign faces are placed back to back and not more than three feet apart at all points, the sign area shall be computed by the measurement of only one of the sign faces.

e. Maximum Sign Area Allowed Per Sign. The maximum sign area allowed per sign is 64 square feet. **If an applicant requests a sign larger than 64 square feet, the following shall apply: maximum sign area allowed per individual sign larger than 64 square feet shall be a calculation of 75% the lineal width and 50% the lineal height of the architectural element the sign is to be located. Figure 17.84.020D provides examples of how this is calculated. Ambiguity regarding what architectural element shall be used for the calculation, or what portion of the architectural element shall be used, shall be resolved in accordance with [Section 17.04.040](#), Interpretations, of this title. Signs shall be placed appropriately within the architectural element utilized for determining sign area.**

FIGURE 17.84.020D- Sign area calculation by architectural element

[FIGURE PENDING APPROVAL]

f. Maximum Length of a Sign Allowed Per Business Façade. The maximum length of a sign allowed is 75 percent of the length of the business façade.

g. Maximum Sign Area Allowed Per Business. The maximum sign area allowed per business shall be as follows:

i. For signs within an Architectural Overlay district, less than 25 square feet unless a Discretionary Sign Permit is approved.

ii. For signs within areas other than an Architectural Overlay district, 64 square feet unless a Discretionary Sign Permit is approved.

E. Computation for Sign Height. The height of a sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. In the case when the finished grade cannot be reasonably determined, sign height and/or finished grade shall be determined by the City Planner or their designee.

F. Maintenance of Signs. If any sign is not maintained free of all defects, including but not limited to cracking, peeling, rusting or other States of disrepair, it shall be the duty of the owner of the sign or the property owner of the business or building to repair, if necessary paint or remove the sign. If the sign is not repaired, painted or removed, the City Planner

shall initiate the public nuisance abatement procedures to cause the sign to be repaired, maintained or removed at the expense of the owner of the sign or the property owner of the business or building. Also see Section 17.84.010(E), Sign Violations, of this chapter.

G. Master Sign Program.

1. Purpose and Intent. The purpose of this section is to establish a procedure to ensure coordination of the design of new signs concurrent with the design of the project. The intent is to improve the architecture, streetscape, signs and overall aesthetics of the site. A Master Sign Program provides a clear understanding of what the standards are for new and existing signs on the site. A Master Sign Program will also provide for consistent and streamlined review, approval and administration of existing and new signs for the site. A Master Sign Program requires a Discretionary Sign Permit.

2. Applicability. A Master Sign Program shall be required for the following:

a. Any existing single-tenant building on which the owner proposes to add and/or modify four or more signs;

b. Any new nonresidential building;

c. Any new commercial project with multiple buildings;

d. Any gas/service station that proposes new signs or modifications to existing signs, except as allowed by State law;

e. Any existing building on which the owner proposes to add and/or modify four or more signs.

f. Any existing building on which the owner proposes to add and/or modify fewer than four signs will be reviewed by the Planning Commission, at the owner's request.

3. Exemptions. Subsequent signs installed that are part of a previously approved Master Sign Program and are consistent with the provisions of that Master Sign Program shall require an Administrative Sign Permit but shall be considered exempt from Discretionary Sign Permit Review.

4. Application. Applications for a Master Sign Program shall be made in writing on the Discretionary Sign Permit application form provided by the Planning Division and submitted to the Planning Division along with the required fees.

H. Removal of Signs. The City shall require removal of any sign, at the owners' expense and without compensation, that meets any of the following criteria.

1. Any sign erected without first complying with all ordinances and regulations in effect at the time of its construction, erection or use;

2. Any sign which was lawfully erected, but whose use has ceased, or the structure upon which the sign has been abandoned by its owner, for a period of not less than 90 days;

3. Any sign which has been more than 50 percent destroyed, and the destruction is other than facial copy replacement, and the sign cannot be repaired within 30 days of the date of its destruction;
4. Any sign whose owner seeks relocation thereof and relocates the sign;
5. Any sign that is temporary;
6. Any sign for which there has been an agreement between the sign owner and the City, for its removal as of any given date;
7. Any sign whose owner, outside a change of copy, requests permission to remodel and remodels that sign, or expand or enlarge the building or land use upon which the sign is located, and the sign is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement or remodeling of the sign exceeds 50 percent of the cost of the reconstruction of the building;
8. Any sign which is or may become a danger to the public or is unsafe;
9. Any sign which constitutes a traffic hazard not created by a relocation of streets or by acts of the City or County;
10. Any sign that was established lawfully with the approval of a Sign Exception Permit, and has changed copy, or otherwise modified the text or dimensions of the sign, without first receiving approval of a new Sign Exception Permit;
11. Any existing nonconforming Pole Sign where there has been a change of use on the subject site, the nonconforming pole sign shall be reduced to conforming heights or removed;
12. [Language pending from City Attorney regarding Amortization List and process]

Section 3: Portions of Section 17.84.030 of the Municipal Code is hereby amended as follows (items not listed are unmodified):

17.84.030 - Specific Regulations by Sign Type.

A. Purpose and Intent. The purpose of this section is to identify the specific sign standards relating to sign type, sign size, number of signs, height of signs, location of signs, general provisions and the Sign Permits required.

B. General Notes. The following general notes shall apply to all signs listed in the following matrix, unless otherwise indicated:

1. Signs that require Administrative or Discretionary Sign Permits are indicated in the following matrix. Other sign characteristics besides those indicated in the following matrix


may also require administrative or discretionary review.

2. Signs may be governed by other sections of this code and those sections shall also apply. If there is a conflict in regulations, the most restrictive shall apply.
3. Change of copy to an existing sign that is identical in sign area, sign size, sign type, location and materials requires an Administrative Sign Permit, **unless the sign was approved with a Sign Exception Permit and not part of a Master Sign Program, refer to Section 17.16.260(J).**
4. Any change to an existing sign other than a change of copy as defined above requires compliance with the provisions of this chapter. For removal of signs, refer to [Section 17.84.020\(H\)](#), Removal of Signs, of this chapter.
5. All temporary signs are prohibited in the public right-of-way unless otherwise authorized by this chapter.
6. All signs listed, unless exempt from both Administrative and Discretionary Sign Permits, will count towards the total allowable sign area.
7. For Master Sign Programs, see [Section 17.84.020\(G\)](#), Master Sign Program, of this chapter.
8. For size of signs, see [Section 17.84.020\(D\)](#), Sign Area Allowed, of this chapter.
9. For height of signs, see [Section 17.84.020\(E\)](#), Computation for Sign Height, of this chapter.
10. For signs overhanging the public right-of-way, see [Section 17.84.030\(E\)](#), Permanent Signs Encroaching into Public Right-of-Way, of this chapter.
11. For sign exceptions, see [Section 17.16.260](#), Sign Exception Permits, of this title.
12. Fascia signs cannot extend more than 18 inches above the lower edge of a sloping roof.
13. Unless otherwise permitted pursuant to this chapter, no person shall display or cause to be displayed any sign on, within or over any public street or right-of-way or public property in the City.
14. Unless otherwise permitted pursuant to this chapter, no person shall display or cause to be displayed any sign on, within or over any private property in the City without the written consent of the owner, lessee or other person lawfully in possession of the property.
15. Except as expressly permitted or authorized in this chapter, all other signs are prohibited within the City.





Table 17.84.030A

Sign Type	Maximum Number of Signs Permitted	Maximum Size per Sign	Maximum Height per Sign	Sign Permit Required	Other Special Considerations
Freeway-Oriented Signs	Prohibited				
Freeway Visible Sign	As determined through the Discretionary Sign Permit Process	Consistent with Section 17.84.020(D), and subject to Discretionary Sign Permit Process	Consistent with Section 17.84.020(D), and subject to Discretionary Sign Permit Process	Discretionary Sign Permit, and Administrative Sign Permit	A Discretionary Sign Permit is required to ensure that the Freeway Visible sign does not become a Freeway Oriented Sign.
Political Signs		12 sq. ft. within a residential zone Language pending from City Attorney	4 feet	None.	Sign cannot be located in public right-of-way;
Political Signs		24 sq. ft. within a nonresidential zone Language pending from City Attorney	6 feet	None	As required by Subsection (F) of this section, prior to placing a noncommercial sign on vacant or unimproved property, the sign owner must file with the City Clerk a written form signed by the owner, lessee or other person lawfully in possession of the property




Sign Type	Maximum Number of Signs Permitted	Maximum Size per Sign	Maximum Height per Sign	Sign Permit Required	Other Special Considerations
					<p>consenting in writing to the placement of the sign and agreeing to be responsible for removal within any applicable time period; and the sign shall be located a minimum of three feet behind the sidewalk or, if no sidewalk exists, a minimum of eight feet behind the back of the curb or edge of the roadway; and the sign shall be removed within three days after the election; and the sign complies with all other design criteria established by this code.</p>
Wall Signs		<p>64 sq. ft. Larger than 64 square feet, consistent with Section 17.84.020(D)</p>		<p>Administrative Sign Permit Discretionary Sign Permit for signs 25 to 64 sq. ft.-within an Architectural Overlay District</p>	<p>Wall signs must be permanently affixed to the building.</p>




Freeway Oriented Façade Signage			
Business	Address	Approval	Photo
99 Cent Only	55 Via Pico Plaza, San Clemente, 92672		
Staples	93 Via Pico Plaza, San Clemente, 92672		

<p>Stuft Pizza</p>	<p>91 Via Pico Plaza, San Clemente, 92672</p>		
<p>Pho Thanh Binh</p>	<p>107 Via Pico Plaza, San Clemente, 92672</p>		

<p>RipCurl</p>	<p>3801 S El Camino Real, San Clemente, 92672</p>		
<p>Holiday Inn Express</p>	<p>35 Via Pico Plaza, San Clemente, 92672</p>		


<p>Holiday Inn</p>	<p>111 S Avenida De La Estrella, San Clemente, CA 92672</p>			
<p>Hampton Inn Suites</p>	<p>2481 S El Camino Real, San Clemente, CA, 92672</p>			
<p>Ralphs</p>	<p>638 Camino De Los Mares, San Clemente, 92673</p>			




<p>Stater Bros</p>	<p>616 Camino De Los Mares, San Clemente, 92673</p>			
<p>Rubio's</p>	<p>638 Camino De Los Mares #1, San Clemente, 92673</p>			
<p>San Clemente Presbyterian Church</p>	<p>119 Avenida De La Estrella, San Clemente, 92672</p>			

<p>CVS Pharmacy, Habit Burger</p>	<p>638 Camino De Los Mares, San Clemente, 92673</p>		
<p>Trader Joe's, AAA Auto Club, Fitness Elite For Women</p>	<p>638 Camino De Los Mares, San Clemente, 92673</p>		
<p>Pole Signage</p>			
<p>Saddleback Memorial Hospital</p>	<p>654 Camino De Los Mares, San Clemente, 92673</p>		




<p>Carrow's</p>	<p>620 Avenida Pico, San Clemente, CA 92673</p>				
<p>Denny's</p>	<p>529 E Avenida Pico, San Clemente, CA 92672</p>				
<p>McDonald's</p>	<p>650 Avenida Pico, San Clemente, CA 92673</p>				

<p>Tommy's Restaurant</p>	<p>1409 S El Camino Real, San Clemente, CA 92672</p>				
<p>76 Station</p>	<p>2360 S El Camino Real, San Clemente, 92672</p>				
<p>76 Station</p>	<p>1409 S El Camino Real, San Clemente 92673</p>				

<p>Shell Stations</p>	<p>530 E Avenida Pico, San Clemente, 92672</p>				
<p>Valero</p>	<p>504 Avenida De La Estrella, San Clemente, 92672</p>				
<p>USA Gasoline</p>	<p>590 Camino De Estrella, San Clemente, 92672</p>				

<p>Shell Stations</p>	<p>2400 S El Camino Real, San Clemente, 92672</p>			
<p>ST. Andrew's By-the-Sea</p>	<p>2001 Calle Frontera, San Clemente, 92673</p>			
<p>San Clemente Inn</p>	<p>2600 Avenida Del Presidente, San Clemente, 92672</p>			

Oversized Signage

<p>Albertson's</p>	<p>989 Avenida Pico, San Clemente, 92673</p>		
<p>Lowe's</p>	<p>907 Avenida Pico, San Clemente, 92673</p>		
<p>Michaels</p>	<p>937 Avenida Pico, San Clemente, 92673</p>		

Walmart

951 Avenida Pico,
San Clemente,
92673



**Montgomery
Motorcycle
Company**

2110 S El Camino
Real, San
Clemente, 92672



**Pico Plaza
(Staples)**

93 Via Pico Plaza,
San Clemente,
92672



Target

990 Avenida Vista
Hermosa, San
Clemente, 92673



Information from the City Attorney

Amortization List

The City's current code provides for some regulation of on-premises and off-premises signs, including freeway-oriented signs. The City's ability to regulate signs is affected by both state and federal laws. The California On-Premises Advertising Act (Bus & P C §5490 et seq.) and Outdoor Advertising Act (Bus & P C §5200 et seq.) place heavy restrictions on abatement of certain nonconforming signs without compensating the sign owner and, in some special cases, the acts require grandfathering of nonconforming signs. On the federal side, the Landham Act (15 USC §1051 et seq.) affects the City's power to regulate signs when regulation brushes up against trademark issues. And a number of other federal laws also affect (and often empower) local regulation of signs near freeways. (E.g., the Highway Beautification Act of 1965 (HBA); the 1968 Amendments to the HBA; the Federal-Aid Highway Acts of 1970, 1974, and 1976; the Surface Transportation Assistance Act of 1978; the Intermodal Surface Transportation Efficiency Act of 1991; the Dire Emergency Supplemental Appropriations Act of June 22, 1992.) The City's code might need to be updated to reflect these layers of regulation and recent court cases, and any effort to increase or change the way the City regulates freeway-oriented signs will need to comply. Together with the City Attorney, staff is evaluating new ways of regulating, abating, and amortizing signs in accordance with state and federal laws.

Political Signs

The City's municipal code currently singles out campaign or political signs for special treatment. (SCMC Table 17.84.030A.) But the U.S. Supreme Court recently issued an opinion that directly addresses political-sign regulations. The opinion concludes that cities may no longer treat political signs differently from other temporary signs. As a result, this aspect of the municipal code is unconstitutional and needs to be revised.

In *Reed v. Gilbert*, the Supreme Court struck down portions of a town's sign code, which subjected certain signs to different rules depending on whether the sign's message was ideological, political, or directional. ((2015) 135 S. Ct. 2218.) The Court found that the Town's ordinances were content-based because regulation differed based on the type of message, and content-based restrictions are subject to the strictest review by courts. Local agencies can rarely satisfy this standard, as was the case in *Reed*.

Like the ordinances in *Reed*, SCMC section 17.84.030 regulates political signs differently than other temporary signage. For example, political signs don't require a permit; they may be up to 12 square feet in residential areas and 24 square feet in non-residential areas; and in non-residential areas they may be placed in the ROW. In contrast, Open House signs (also temporary) may only be 4 square feet,

they may not remain overnight, and they may never be in a ROW. And special-event signs (also temporary) require a permit. Because the City regulates political signs based on their content, a court would likely find that the City's ordinances are content-based and unconstitutional.

In light of *Reed*, the municipal code should be revised to comply with existing law. The City Attorney will provide language for Planning Commission consideration when the formal resolution is prepared.