

6.8
DAIRY FORK CONSTRUCTED WETLAND
PROJECT

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RESOLUTION NO. 14-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, MODIFYING THE ADOPTED FISCAL YEAR 2014-15 CAPITAL PROJECTS FUND BUDGET

WHEREAS, the Fiscal Year 2014-2015 Budget was adopted by the City Council on June 25, 2014; and

WHEREAS, the Fiscal Year 2014-2015 Budget included funding related to the Dairy Fork Constructed Wetland Project in the Capital Projects Fund; and

WHEREAS, an increase in the Capital Projects Fund budget is necessary as a result of the finalization of the cost sharing and cooperative agreement for the Dairy Fork Constructed Wetland Project between the cities of Aliso Viejo, Laguna Woods, Laguna Hills, and Lake Forest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The Fiscal Year 2014-2015 Budget appropriation authorized, on a fund level, for the Capital Projects Fund is hereby increased from \$1,138,509 to \$1,138,808.

SECTION 2. The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2014.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do
HEREBY CERTIFY that the foregoing **Resolution No. 14-XX** was duly adopted
by the City Council of the City of Laguna Woods at a regular meeting thereof, held
on the XX day of XX 2014, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

**COST SHARING AND COOPERATIVE AGREEMENT FOR
DAIRY FORK CONSTRUCTED WETLAND PROJECT**

THIS AGREEMENT (“Agreement”) is made and entered into this 1st day of July, 2014, by and between the CITY OF ALISO VIEJO, a municipal corporation of the State of California, hereinafter referred to as “ALISO VIEJO,” CITY OF LAGUNA HILLS, a municipal corporation of the State of California, hereinafter referred to as “LAGUNA HILLS,” the CITY OF LAGUNA WOODS, a municipal corporation of the State of California, hereinafter referred to as “LAGUNA WOODS,” and the CITY OF LAKE FOREST, a municipal corporation of the State of California, hereinafter referred to as “LAKE FOREST.” Each party is sometimes individually hereinafter referred to as “PARTY,” and collectively referred to as “PARTIES.”

RECITALS

WHEREAS, the PARTIES desire to construct a wetland at the OC Parks land located on the southwest corner of Moulton Parkway and Aliso Viejo Parkway in Aliso Viejo that for the purposes of the federal Clean Water Act and the California Porter Cologne Water Quality Control Act will be classified as a non-jurisdictional water quality treatment wetland, hereinafter referred to as the “Dairy Fork Wetland Project” or “PROJECT;” and

WHEREAS, the PARTIES acknowledge that the PROJECT will be funded at sixty-five (65%) percent of the total costs for the design, environmental documentations and construction by Measure M2 Environmental Cleanup Funding, and the required matching thirty-five (35%) percent, as well as the total cost of the wetland maintenance for 20 years will be shared on a land area basis by the cities of ALISO VIEJO, LAGUNA HILLS, LAGUNA WOODS AND LAKE FOREST; and

WHEREAS, the PARTIES agree that ALISO VIEJO shall act as lead agency for environmental clearance, design, engineering and administration of the construction contract and maintenance contract for PROJECT efficiency; and

WHEREAS, the PARTIES wish to define areas of responsibility for design, engineering, construction, and maintenance of the PROJECT.

NOW THEREFORE, IT IS AGREED by the PARTIES as follows:

AGREEMENT

- A. ALISO VIEJO shall be designated as Lead Agency for environmental clearance, design, engineering, procurement and PROJECT construction and maintenance. ALISO VIEJO shall obtain all licenses, permits, and approvals as may be required by law for the performance of this Agreement. LAGUNA HILLS, LAGUNA WOODS, AND LAKE FOREST shall be responsible agencies for the PROJECT.
- B. ALISO VIEJO will design the PROJECT and prepare engineered construction documents, including, but not limited to, plans, specifications and procurement documents. ALISO VIEJO shall also obtain the other PARTIES’ respective City

Engineers', hereinafter referred to as "CITY ENGINEER," approval of the Plans and Specifications for all PROJECT facilities.

- C. ALISO VIEJO is designated as Project Engineer, Contracting and Construction Agent, hereinafter referred to as "PROJECT ENGINEER," for the PARTIES to do and perform all necessary tasks in order to design and construct PROJECT in accordance with the approved plans and specifications and to execute and deliver all documents required in connection with the construction and completion of PROJECT, including its Notice of Completion and final accounting report.
- D. The PARTIES shall share in the cost of the PROJECT by providing local funds, as necessary, to complete the PROJECT. The estimated cost for PROJECT is \$874,000. Each PARTY shall pay a pro rata share of PROJECT costs based upon the percentage of the tributary drainage area of each city, as detailed in Exhibit "A", attached hereto and incorporated herein by reference.
- E. ALISO VIEJO shall require its contractor to name the other PARTIES, their elected officials, officers and employees as an additional insureds and to indemnify and defend the other PARTIES, their elected officials, officers and employees to the same extent that the contractor is required to indemnify and defend ALISO VIEJO, its elected officials, officers and employees.
- F. ALISO VIEJO shall obtain the written concurrence of each of the other PARTIES' respective CITY ENGINEERS or his or her designees for any contract change order (CCO) of PROJECT which would affect the PROJECT design or increase the estimated cost for each of the other PARTIES' portion of the PROJECT. In the event any portion of PROJECT costs allocated to another PARTY exceeds the estimate, referenced in paragraphs D and N and detailed in Exhibit "A", by more than ten (10%) percent, ALISO VIEJO shall, prior to the time any commitment is made that would otherwise bind another PARTY to the payment of funds in excess of the estimate plus ten (10%) percent, advise the PARTIES in writing of the amount of such increase, the reason(s) therefor, and how the amount of the PROJECT cost increase has been allocated to all PARTIES. The affected PARTY OR PARTIES shall have a period of ten (10) business days to review the information provided by ALISO VIEJO regarding that PARTY OR PARTIES' allocated share of any such cost increase, and the affected PARTY OR PARTIES shall have the discretion to agree, agree in part, or disagree with the cost increase or the share of such cost increase allocated to the affected PARTY OR PARTIES. In the event of any disagreement between ALISO VIEJO and the affected PARTY OR PARTIES regarding the amount or allocation of PROJECT costs in excess of ten (10%) percent of the estimate, the affected PARTIES shall meet and confer for a period of no less than ten (10) days in an effort to resolve any differences. If such meet and confer efforts do not result in agreement, ALISO VIEJO may proceed to exercise its reasonable discretion as PROJECT ENGINEER as to cost items required to effectuate the PROJECT in accordance with the approved plans and specifications, as in its reasonable determination are necessary to complete the PROJECT, and the issue of the propriety or proper allocation of such costs as between ALISO VIEJO and the affected PARTY or PARTIES

shall be submitted to binding arbitration, upon such rules and procedures as the affected PARTY or PARTIES may mutually agree.

- G. Prior to accepting improvements under the contract for PROJECT, ALISO VIEJO shall obtain each CITY ENGINEER'S written approval of the construction as it affects the operation and maintenance of PROJECT within each PARTIES' portion. Approval shall be withheld only for work not completed per the approved plans and specifications for PROJECT.
- H. ALISO VIEJO shall furnish each CITY ENGINEER with one set of "As Built" construction drawings for PROJECT and a copy of the Notice of Completion.
- I. Each PARTY shall at all times during the progress of construction of PROJECT have access to the work thereon for the purpose of inspection and, should any CITY ENGINEER deem any remedial measures to be necessary, the CITY ENGINEER shall notify ALISO VIEJO thereof for communication to the contractor. ALISO VIEJO shall, to the maximum extent practicable consistent with PROJECT plans and specifications, use its best efforts to assure the PROJECT contractor complies with, or includes, all reasonable remedial measures requested by the other PARTIES.
- J. Each PARTY shall fund any special features or changes or additions to the PROJECT the PARTY requests or requires which are divergent from, or outside the scope of the approved plans and specifications, including but not limited to special features or changes or additions to the design, right-of-way, construction and contract administration for each of the PARTIES' portion.
- K. Each PARTY shall deposit with ALISO VIEJO the estimated costs of any special features or changes or additions as described in Section J prior to the start of the appropriate phase (design or construction).
- L. After award of a construction contract by ALISO VIEJO, the other PARTIES shall, within thirty (30) days of being invoiced by ALISO VIEJO, deposit with ALISO VIEJO their share of PROJECT costs.
- M. Within 30 days after filing of the Notice of Completion by ALISO VIEJO, ALISO VIEJO shall prepare for review and approval by the other PARTIES, a final cost accounting for any additional work performed outside the scope of the approved plans and specifications, which is the responsibility of the other PARTIES, as described in Section J. Within 30 days after receipt of this final accounting, it shall be reviewed for approval by the applicable CITY ENGINEER. Upon approval, the applicable PARTY or PARTIES shall transfer to ALISO VIEJO any necessary funds, if any, or ALISO VIEJO shall transfer to the applicable PARTY or PARTIES any necessary funds, if any, to balance PROJECT's expenditures.
- N. Upon approval and acceptance of the improvements by the CITY ENGINEER, each PARTY shall share maintenance cost responsibility for PROJECT based on the percentage of the tributary drainage area each city contributes. The estimated annual

maintenance costs for each PARTIES' portion of the PROJECT are detailed in Exhibit "A". Such annual maintenance costs are calculated for 20 years from the completion of the construction phase.

- O. This Agreement shall become effective as of the date first written above and shall continue in full force and effect to the date of completion of performance of the contractor's maintenance agreement, or the date of payment in full by the PARTIES of their respective obligations under this Agreement, whichever is later. At least one year prior to the termination of this Agreement, the PARTIES shall meet and confer to determine whether this Agreement should be extended for the life of the wetland. Any extension to this Agreement shall require the mutual written consent of all PARTIES. Notwithstanding the foregoing, the PARTIES may mutually terminate this Agreement through a writing signed by all PARTIES. If the PARTIES agree to mutually terminate the Agreement in a signed writing, each PARTY shall pay its pro rata share of costs that have been rendered for the PROJECT, as detailed in Sections D and N, to the date of termination.
- P. Each PARTY agrees to mutually defend, indemnify, and hold harmless the other PARTIES, their officials, officers, directors, agents, employees, and volunteers, from all claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses, or costs of any kind, whether actual, alleged, or threatened, actual attorneys' fees incurred by each PARTY, court costs, interest, defense costs, including expert witness fees and any other costs or expenses of any kind whatsoever, including, but not limited to, liability for bodily injury, sickness, disease or death, property damage (including loss of use) or violation of law, caused by or arising out of, or relating to any act, error or omission, or willful misconduct of that PARTY, its officials, officers, directors, agents, employees, and volunteers acting pursuant to its control and performing under this Agreement. To the extent that more than one PARTY is determined to have been negligent or at fault, the PARTIES agree that each PARTY shall bear its own portion or percentage of liability and to indemnify and hold harmless the other PARTIES for that share. Notwithstanding and in addition to the foregoing, ALISO VIEJO shall defend, indemnify and hold the other PARTIES harmless for liability imposed by reason of a release of Hazardous Materials (as defined in the construction contract) caused by ALISO VIEJO's negligence or willful misconduct in administering the construction contract. This indemnity is intended to operate as an agreement pursuant to Section 107(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9607(e) and California Health and Safety Code Section 25364.
- Q. The terms of this Agreement may be amended at any time by any PARTY by supplemental agreement based upon mutual written consent of all PARTIES.
- R. The PARTIES shall comply with all applicable federal, state, and local laws, statutes, ordinances and regulations of any governmental authority having jurisdiction over the PROJECT.

- S. If any term, provisions, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each remaining term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- T. All notices hereunder and communications regarding the interpretation of the terms of this Agreement, or changes thereto, shall be effected by delivery of said notices in person or by depositing said notices in the U.S. mail, registered, or certified mail and addressed as follows:
- | | |
|-------------------------|-------------------------------------|
| To: ALISO VIEJO | To: LAGUNA HILLS |
| City of Aliso Viejo | City of Laguna Hills |
| Attn: David A. Doyle | Attn: Bruce E. Channing |
| City Manager | City Manager |
| 12 Journey, Suite 100 | 24035 El Toro Road |
| Aliso Viejo, CA 92656 | Laguna Hills, CA 92653 |
|
 | |
| To: LAGUNA WOODS | To: LAKE FOREST |
| City of Laguna Woods | City of Lake Forest |
| Attn: Christopher Macon | Attn: Robert C. Dunek |
| City Manager | City Manager |
| 24264 El Toro Road | 25550 Commercentre Drive, Suite 100 |
| Laguna Woods, CA 92637 | Lake Forest, CA 92630 |
- U. This Agreement may be executed and delivered in any number of counter parts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile or electronic signatures will be permitted.
- V. Neither this Agreement, nor any of the parties rights, obligations, duties, or authority hereunder may be assigned in whole or in part by either party without the prior written consent of the other party in its sole and absolute discretion. Any such attempt of assignment shall be deemed void and of no force and effect. Consent to one assignment shall not be deemed consent to any subsequent assignment, nor the waiver of any right to consent to such subsequent assignment.
- W. The laws of the State of California and applicable local and federal laws, regulations, and guidelines shall govern this Agreement.
- X. Should litigation arise out of this Agreement or the performance thereof, each PARTY shall be responsible for its own costs and expenses, including attorneys' fees.
- Y. The Recitals set forth above are hereby incorporated into this Agreement as if set forth in full.

IN WITNESS WHEREOF, the PARTIES hereto have caused this Cost Sharing and Cooperative Agreement to be executed by their respective City Managers and attested by their respective City Clerks, all thereunto duly authorized by their respective City Councils.

CITY OF ALISO VIEJO

CITY OF LAGUNA HILLS

By: _____
David A. Doyle
City Manager

By: _____
Bruce E. Channing
City Manager

ATTEST:

ATTEST:

By: _____
Susan A. Ramos
City Clerk

By: _____
Peggy J. Johns
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Scott C. Smith
City Attorney

By: _____
Gregory E. Simonian
City Attorney

CITY OF LAGUNA WOODS

CITY OF LAKE FOREST

By: _____
Christopher Macon
City Manager

By: _____
Robert C. Dunek
City Manager

ATTEST:

ATTEST:

By: _____
Yolie Trippy
Deputy City Clerk

By: _____
Stephanie D. Smith, CMC
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
David B. Cosgrove
City Attorney

By: _____
Scott C. Smith
City Attorney

EXHIBIT "A"

ITEM 6.8 - Attachment B

Dairy Fork Wetland Project
Shared Cost Distribution

			Revised
Total Project Cost	\$	874,000	\$ 874,000
Match (40% original, 35% revised)	\$	305,900	\$ 305,900
Annual Maintenance	\$	10,000	\$ 10,000

City	% Drainage Area	Original Cost	Design/*Documentation/ Construction Cost	Annual Maintenance Cost for 20 Years From Completion of the Construction Phase
Lake Forest	15.4%	47,108.60	\$ 47,109	\$ 1,540
Laguna Hills	15.7%	48,026.30	\$ 48,026	\$ 1,570
Laguna Woods	19.6%	59,956.40	\$ 59,956	\$ 1,960
Aliso Viejo	49.3%	150,808.70	\$ 150,809	\$ 4,930
Total	100.0%	\$ 305,900.00	\$ 305,900	\$ 10,000

*"Documentation" includes, but is not limited to, environmental review, reports, and permitting.

7.1
SIGN REGULATIONS

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**City of Laguna Woods
Agenda Report**

DATE: November 19, 2014 Regular City Council Meeting
TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
AGENDA ITEM: Sign Regulations

Recommended Action

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public comment.

AND

4. Close public hearing.

AND

5. Approve the introduction and first reading of an ordinance entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, REPEALING AND REPLACING CHAPTER 13.20
AND PORTIONS OF CHAPTER 13.06 OF THE LAGUNA WOODS
MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS

Background

On September 18, 2013, the City Council appointed Councilmembers Ring and Conners to serve on an Ad Hoc Economic/Community Development Committee to

identify potential business, development, and permit-related service and regulatory improvements including, but not limited to, consideration of sign and special event regulations, as well as streamlining of building and planning functions.

Discussion

As a part of the City's efforts to more actively engage the broader Laguna Woods community, three roundtable meetings were held to obtain public input on the local business and contracting climate. Subsequently, the Ad Hoc Economic/Community Development Committee identified a variety of amendments to the City's existing sign regulations in the interest of reducing regulatory burdens and supporting the promotion of Laguna Woods businesses for the benefit of residents and the local economy. Additionally, the City Attorney's Office identified amendments intended to help ensure that the City's sign regulations are consistent with applicable laws.

Attachments A, B, and C contain the proposed ordinance, existing regulations, and a summary of the proposed amendments, respectively.

Fiscal Impact

The recommended action could be accommodated in the current year budget, which specifically includes funding for a review and update of sign regulations.

Environmental Review

The adoption of the proposed ordinance is not a project under the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15601(b)(3) of the CEQA Guidelines.

Conclusion

The proposed ordinance would amend the Laguna Woods Municipal Code's sign regulations. If the City Council takes the recommended action, the second reading and adoption of the proposed ordinance would be tentatively scheduled for City Council consideration at the regular meeting on December 17, 2014.

Attachments: A – Proposed Ordinance
B – Existing Sign Regulations
C – Summary of Proposed Amendments

ORDINANCE NO. 14-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
REPEALING AND REPLACING CHAPTER 13.20 AND PORTIONS OF
CHAPTER 13.06 OF THE LAGUNA WOODS MUNICIPAL CODE
PERTAINING TO SIGN REGULATIONS

**THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Section 13.06.010(d)(753) of the Laguna Woods Municipal Code is hereby repealed.

SECTION 2. Section 13.06.010(d)(753) is hereby added to Title 13 (Zoning) of the Laguna Woods Municipal Code as follows:

(753) Sign: Any device used for visual communication or attraction, including any announcement, declaration, demonstration, display, illustration, insignia, or symbol used to advertise or promote the interests of any person, together with all parts, materials, frame, and background thereof.

SECTION 3. Chapter 13.20 (Sign Regulations) of the Laguna Woods Municipal Code is hereby repealed.

SECTION 4. Chapter 13.20 (Sign Regulations) is hereby added to Title 13 (Zoning) of the Laguna Woods Municipal Code as follows:

CHAPTER 13.20. SIGN REGULATIONS

- Sec. 13.20.010. - Purpose and intent.
- Sec. 13.20.020. - General provisions.
- Sec. 13.20.030. - Definitions.
- Sec. 13.20.040. - Sign placement.
- Sec. 13.20.050. - Sign measurement.
- Sec. 13.20.060. - Sign illumination.
- Sec. 13.20.070. - Permanent sign design criteria.
- Sec. 13.20.080. - Permitted permanent signs.
- Sec. 13.20.090. - Temporary sign design criteria.
- Sec. 13.20.100. - Permitted temporary signs.
- Sec. 13.20.110. - Special temporary sign permits.

- Sec. 13.20.120. - Signs not requiring a permit.
- Sec. 13.20.130. - Prohibited signs.
- Sec. 13.20.140. - Exemptions.
- Sec. 13.20.150. - Legal nonconforming signs.
- Sec. 13.20.160. - Sign programs.
- Sec. 13.20.170. - Enforcement.

Sec. 13.20.010. Purpose and intent.

(a) The purpose and intent of this chapter is to promote and protect public health, safety and welfare by regulating signs in order to assure that they are:

- (1) Well-designed, consistent with any design criteria otherwise applicable to the sign property, compatible with community character and harmonious with surrounding properties, buildings, and streetscapes;
- (2) Clear and legible in the circumstances in which they are seen, including for purposes of promoting awareness of local businesses and activities;
- (3) Appropriate to the type of business or activity to which they pertain; and
- (4) Displayed in a manner that does not harm public health, safety and welfare.

(b) This chapter is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any federal, state, or other local laws.

Sec. 13.20.020. General provisions.

(a) *Permit required.* It shall be unlawful for any person or entity to display, erect, install, or maintain any sign requiring a permit under this chapter without obtaining and holding in full force and effect a permit issued in accordance with this chapter. Permits shall be issued by the City Manager and require submittal of an application, as well as the payment of fees established by resolution of the City Council. The City Manager shall approve an application for a sign permit if the proposed sign is consistent with this chapter and any applicable specific plan, sign program, design criteria or other special design approval regulation. Unless the City requires additional information to determine whether the proposed sign is consistent with applicable standards, the sign permit shall be issued within 30 days of submittal of the application.

(b) *Special design approval criteria to apply.* All signs shall be consistent with any design criteria otherwise applicable to the sign property. Signs located within the boundaries of a specific plan, sign program, or other special design approval area shall comply with all criteria established by such plan, program, or area.

(c) *Interpretation of provisions.* Where a matter of interpretation arises regarding the provisions of this chapter, the more specific or more rigorous standard shall prevail. In the event of any dispute as to the application of potentially conflicting or inconsistent standards, the applicant may appeal the issue to the Board of Appeals pursuant to the procedure set forth in Section 13.24.050 of this Code.

(d) *Maintenance.* Signs, together with frames, supports, braces, anchors, and related components, shall be maintained in good condition, including the replacement of defective parts. Exposed surfaces shall be kept clean, in good repair, free of graffiti and other such markings, not discolored or faded, and painted where paint is required. The City may order the repair or removal of any sign that is unsafe, defective, damaged, or unsatisfactorily maintained.

(e) *Property owner approval.* Nothing in this chapter is intended to permit the placement, display, erection, installation, or maintenance of any sign without the approval of the owner of the sign property.

(f) *Use of the City seal.* Use of the City seal or any portion thereof is prohibited without prior written approval from the City Manager.

(g) *Message substitution.* Subject to the consent of the owner of the sign property and the sign owner, a noncommercial message of any type may be substituted, in whole or in part, in place of any commercial message or any noncommercial message, provided that the sign structure or mounting device is legal or legal nonconforming without consideration of the message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter or any other City regulation relating to signs, including without limitation, interim ordinances. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on the sign property, nor change the type or nature of permissible signs, nor does it affect the requirement that a sign be properly permitted.

(h) *Appeals*. Any determination of the City Manager under this chapter shall be appealable to the Board of Appeals pursuant to the procedure set forth in Section 13.24.050 of this Code.

Sec. 13.20.030. Definitions.

(a) For the purposes of this chapter only, the following words, phrases, and terms as used in this chapter shall have the meaning as indicated below.

Abandoned sign shall mean any sign whose use has ceased or has been discontinued for a period of at least 90 consecutive days, or a sign identifying a business that has not occupied the premises for at least 90 consecutive days.

Advertising device/display shall mean any contrivance, statue, or structure, other than a sign, used to attract attention or make anything known for the purpose of promoting (either directly or indirectly) the use of products or services of any person or business, including but not limited to a balloon, flag, pennant, propeller, or an oscillating, rotating, or pulsating light.

Awning signs shall mean any sign incorporated into an awning or canopy.

City Manager shall mean the City Manager or his or her designee.

Banner sign shall mean any sign hung either with or without frames, possessing written communication applied to nonrigid paper, plastic or fabric of any kind.

Changeable copy sign shall mean any sign with copy that is intended to be replaced without any change to sign location or construction.

Easel sign shall mean a temporary sign with an upright tripod construction, that is not permanently affixed on or upon the ground, and which is neither attached to nor a part of any building or structure.

Electronic message board sign shall mean a sign with a fixed or changing display composed of a series of lights. (Does not include time and temperature displays.)

Flag shall mean a piece of fabric of distinctive design that is used as a symbol, as a signage device, or as a decoration.

Flag pole shall mean a freestanding pole used to display a flag.

Freestanding temporary sign shall mean a temporary sign of A-frame or sandwich board construction, that is not permanently affixed on or upon the ground, and which is neither attached to nor a part of any building or structure. Easel signs are not considered freestanding temporary signs.

Legal nonconforming sign shall mean a sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all standards and regulations of the ordinance.

Monument sign shall mean a freestanding ground sign generally having a low profile with little or no open space between the ground and the sign and having a structure constructed of masonry, wood, or materials similar in appearance.

Multi-unit real estate sign shall mean shall mean a sign indicating that one or more units on the sign property are for sale, lease, or rent.

Off-site sign shall mean a commercial sign that is not located on the same premises as the business or activity identified or advertised by the sign.

Pedestrian sign shall mean a small sign readable primarily from the abutting sidewalk or other walkway, but generally not readable from the street, primarily designed to direct pedestrian traffic.

Permanent sign shall mean a sign attached to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as sun, wind and rain, and precludes ready removal or movement of the sign.

Pole sign shall mean a freestanding sign directly supported by a pole or poles with air space between the grade level and the sign face.

Political sign shall mean a sign where text is limited to noncommercial speech pertaining to global, national, state, or local candidates or issues or other protected political expression.

Portable sign shall mean any vehicle or trailer which is parked or used as a stationary display on public or private property and has attached thereto, or located thereon, any sign or advertising device/display for the basic purpose of providing advertisement or directing people to a business or activity located on the same or nearby property or any other premises. This definition is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during normal course of business.

Real estate banner sign shall mean a banner sign, as that term is defined in Section 13.06.010 to this Code, indicating that one or more units on the premises on which the sign is located are for sale, lease, or rent.

Residential unit frontage shall mean a side of a residential unit facing a parking lot, public or private street or driveway entrance.

Roof sign shall mean a sign erected upon or above the roof of a building or above a parapet wall. Signs on mansards shall be considered roof signs.

Shopping center identification sign shall mean a sign that is used to identify the name of a shopping center, as that term is defined in Section 13.06.010 to this Code, and/or its tenants.

Sign shall mean any device used for visual communication or attraction, including any announcement, declaration, demonstration, display, illustration, insignia, or symbol used to advertise or promote the interests of any person, together with all parts, materials, frame, and background thereof.

Sign program shall mean a comprehensive sign plan that the City has permitted pursuant to Section 13.20.160 of this Code that identifies location, size, design, and color of signs within a shopping center or for another property in order to achieve aesthetically appealing and compatible signage.

Sign property shall mean the property on which the sign is proposed to be placed.

Single-unit real estate sign shall mean a sign indicating that the unit on the sign property is for sale, lease, or rent.

Special event shall mean an event that the City has permitted pursuant to Chapter 7.20 of this Code.

Street frontage shall mean the side of a site adjacent to a public or private street.

Temporary sign shall mean a sign which, by design, is unlikely to resist environmental loads, such as sun, wind and rain, over a long period of time and can be readily removed or moved.

Tenant frontage shall mean the side of a tenant's portion of a building facing a parking lot, public or private street or driveway entrance.

Wall sign shall mean a sign attached to, erected on, painted on or otherwise affixed to the exterior wall of a building or structure in such a manner that the face of the sign is approximately parallel to the exterior wall of the building and exposed to the exterior side of the building. Signs and/or advertising displays in or on windows are not considered wall signs.

Window sign, permanent shall mean any sign exposed to public view that is permanently affixed to the interior or exterior surface of a window and only identifies the name of the business, hours of operation, and/or address for which the sign is displayed.

Window sign, temporary shall mean any sign temporarily attached, painted, posted, or displayed flush against a window or located inside within a distance equal to the greatest dimension of the window (either width or height) and designed to be viewed from the outside of the building in which the window is located. A banner sign on the exterior of a window shall not be considered a temporary window sign. For the purpose of this chapter's sign regulations, the term "window" shall also include vehicle bays with full doors that are closed when not in use.

(b) All other definitions relating to signs are incorporated within the definitions contained in Section 13.06.010 to this Code.

Sec. 13.20.040. Sign placement.

(a) *Traffic safety.* No sign shall obstruct any parking area or the free and clear vision and movement of pedestrian or vehicular traffic.

(b) *Off-site signs.* All signs shall be located on the same premises as the business or activity identified by the sign unless specifically permitted in this chapter. Subject to discretionary approval of City Council, a sign may be located on the immediately adjacent premises of the business or activity identified by the sign. The City Council shall approve an off-site sign if it can make all of the following findings:

- (1) The owner of the sign property has consented to the proposed sign; and
- (2) The proposed sign is otherwise consistent with this chapter and any applicable specific plan, sign program, design criteria, or other special design approval regulation.

(c) *Placement on City property.* No sign shall be located on, over, or across City property unless specifically permitted in this chapter.

Sec. 13.20.050. Sign measurement.

(a) *Measurement of sign height.* Sign height shall be measured as the greatest vertical distance measured from the ground level directly beneath the sign base to the top of the sign. When signs are constructed on hillsides or embankments where the sign supports are at varying lengths, height shall be measured from the horizontal midpoint of the sign. In cases where the visibility of a free-standing sign is impeded due to its placement below the elevation of the street to which it is oriented, the maximum sign height may be measured from the top of curb of the street (or the edge of pavement of such street where there is no curb).

(b) *Measurement of sign area.* Sign area shall be measured as follows:

(1) *Basic rule.* Sign size and area shall be defined as the total area of the sign face, including any perimeter trim, but excluding any structures or uprights on which the sign is supported.

(2) *Window signs.* Window sign area shall be considered to be the entire area of any sign placed on or inside a window which is not painted or otherwise drawn directly on the glass. For signs painted or otherwise drawn directly on the glass, area measurement shall be the same as that for wall signs.

(3) *Wall signs.* The area of signs composed of individual letters affixed to a building or freestanding wall shall be defined as the area which encloses all copy, logos and graphics with four, six, or eight perpendicular lines.

(4) *Double-faced signs.* If a sign is double-faced with only one face visible from any ground position at one time, its sign area shall be considered to be the area of either face taken separately. Thus, if the maximum permitted sign area is 20 square feet, a double-faced sign may have an area of 20 square feet per face.

(5) *Three-dimensional signs.* If a sign has three or more faces, its sign area shall be considered to be the sum of the areas of each individual face. Thus, if a sign has four faces and the maximum permitted sign area is 20 square feet, the maximum area for each face shall be limited to five square feet.

Sec. 13.20.060. Sign illumination.

(a) *Generally.* Temporary signs shall not be illuminated unless specifically permitted in this chapter. Permanent signs may be illuminated unless specifically prohibited in this chapter.

(b) *Means of illumination.* All illumination from or upon any sign shall be shaded, shielded, directed, and/or reduced to prevent glare and reflection onto surrounding properties. Illumination shall not be unduly bright, meaning that it shall not be in excess of that which is reasonably necessary to make the sign readable to an average person. Externally-illuminated signs shall be lighted by screened or hidden light sources. With the exception of the use of neon illumination in window signs as permitted in this chapter, the use of neon or non-standard lighting colors is prohibited.

(c) *Illumination of signs abutting residential districts.* Except for signs pursuant to an approved sign program, when any district boundary abuts a residential district and the boundary is less than or equal to 100 feet away, signs facing said boundary shall not be illuminated.

Sec. 13.20.070. Permanent sign design criteria.

(a) *Colors.* Sign colors shall be consistent with any design criteria otherwise applicable to the sign property.

(b) *Changes to approved sign face.* Any change to the sign face that renders the sign inconsistent with this chapter or any applicable specific plan, sign program, design criteria, or other special design approval regulation shall render the permit for the sign void.

(c) *Setback.* Monument signs and shopping center identification signs shall be set back a minimum of 8 feet from the face of the public street curb and two feet from the back of the sidewalk.

Sec. 13.20.080. Permitted permanent signs.

(a) The following permanent signs may be permitted with an approved sign permit and any other required permits from the City.

Sign type and eligible sites	Maximum number	Maximum area	Maximum height	Additional requirements
<i>Monument signs</i>				
Monument signs: for single tenant sites (excluding gas stations).	1 per site; more than 1 per site requires discretionary approval of the City Council.	Shall not exceed 1 square foot of area for each linear foot of building frontage, up to a maximum aggregate area of 40 square feet.	5 feet for sign face; 5 ½ feet including base	Tenants included on shopping center identification signs may not also be included on monument signs.
Monument signs: for gas stations, including a gas station with a car wash, fast food restaurant,	1 per street frontage; no more than 2 per site	Shall not exceed a maximum aggregate area of 40 square feet per sign.	5 feet for sign face; 5 ½ feet including base	Gas prices must display the actual price per gallon of all grades of gasoline, including taxes and other charges.

convenience store, etc.				
Monument signs: for residential tract developments.	1 per entrance; more than 1 per entrance requires discretionary approval of the City Council.	Shall not exceed a maximum aggregate area of 40 square feet per entrance.	5 feet for sign face; 5 ½ feet including base	Signs on decorative garden walls or retaining walls (e.g. curved, angled or similar walls integrated into a project entry or perimeter) are encouraged. In cases where such walls are on both sides of a dedicated entry drive, 2 signs are permitted per entrance.
Wall signs				
Wall signs: for nonresidential uses, country clubs, congregate care facilities, and apartment/condominium complexes.	1 per building frontage; no more than 2 per site	Shall not exceed 1 square foot for each linear foot of building frontage for any elevation containing a sign. A combined maximum		

		aggregate area of 150 square feet for all wall-mounted signs will be allowed per site.		
<i>Shopping center signs</i>				
Shopping center identification signs: for shopping centers.	1 per street frontage	Shall not exceed 1 square foot of sign area per linear foot of street frontage not to exceed a maximum aggregate area of 80 square feet per sign.	8 feet for sign face; 9 feet including base	Signs shall identify the name of the shopping center and address, including the city.
Pedestrian signs: for shopping centers.	1 per tenant frontage; no more than 2 per tenant	Shall not exceed a maximum aggregate area 4 square feet per sign.	1 foot (measured from the bottom to the top of the sign)	Signs shall be located perpendicular to the tenant facade, under a covered walkway, and a minimum of 8 feet above finished grade.
<i>Other</i>				
Flag poles.	N/A	N/A	35 feet in open space	

			<p>recreational, neighborhood commercial, or professional and administrative offices districts</p> <p>50 feet or building height, whichever is less in community commercial, community facilities, residential community, or residential multifamily districts</p>	
<p>Drive-thru signage: for commercial tenants.</p>	<p>2 per drive-thru lane</p>	<p>Shall not exceed a maximum aggregate area of 56 square feet per drive-thru lane.</p>	<p>7 feet for sign face; 8 feet including base</p>	<p>Temporary signs shall not be attached to drive-thru signage.</p> <p>May only be approved for commercial tenants with City-approved drive-thru lanes.</p>

(b) If a sign permit is subject to discretionary approval of the City Council, the City Council shall approve the proposed sign if it can find that the proposed sign is

otherwise consistent with this chapter and any applicable specific plan, sign program, design criteria, or other special design approval regulation.

Sec. 13.20.090. Temporary sign design criteria.

Colors. Sign colors shall be consistent with any design criteria otherwise applicable to the sign property.

Sec. 13.20.100. Permitted temporary signs.

(a) *Sign permit required.* The following temporary signs may be permitted with an approved sign permit and any other required permits from the City:

(1) *Banner signs.* Banner signs may be permitted in commercial districts and on country clubs, congregate care facilities, and apartment/condominium complexes, subject to the following restrictions:

a. *Duration.* Banner signs shall not be displayed for more than 120 days within a calendar year period. Multiple banner signs displayed consecutively shall count as a single banner sign. Banner signs shall not be used as a substitute for permanent signage.

b. *Area.* For tenant frontages of 25 linear feet or less, the area of each banner sign shall not exceed 25 square feet. For tenant frontages of more than 25 linear feet, the area of each banner sign shall not exceed one square foot per linear foot of tenant frontage. Notwithstanding the foregoing, the combined maximum area of all banner signs displayed over all frontages shall not exceed 100 square feet.

c. *Location.* Banner signs shall be mounted flush to a building, wall, or fence and may not be located on a roof, awning, or overhang. In the event a banner sign interferes with minimum line of sight requirements, a reasonable alternative location which provides similar stability and security may be approved, provided the alternative location is not a roof, awning, or overhang.

(2) *Interim identification banner signs.* One interim identification banner sign per tenant may be permitted during permanent sign installation or change outs where new permanent signage has been approved but is not yet installed, subject to the following restrictions:

a. *Duration.* The banner sign shall not be displayed for more than 60 days and shall be removed upon installation of the permanent signage.

b. *Location.* The banner sign shall only be permitted to be displayed in the location where the approved forthcoming permanent signage will be installed.

c. *Other temporary signage.* No other temporary signage shall be displayed concurrent with an interim identification banner sign.

(3) *Multi-unit real estate signs.* For any one shopping center, residential tract development, congregate care facility, or apartment/condominium complex, one multi-unit real estate sign may be permitted, subject to the following restrictions:

a. *Duration.* The multi-unit real estate sign shall not be displayed for more than 12 months and shall be removed upon the close of escrow or when the sale, lease, or rental of all units has been accomplished, whichever occurs first. Buildings with no current or anticipated vacancies shall not display real estate signs.

b. *Location.* The real estate sign shall be located on either the building site being sold, leased, or rented or on common area property within the larger site, provided it does not occupy property used for pedestrian or vehicular access.

c. *Area.*

1. For multi-unit real estate signs located in a residential district, the area of the sign shall not exceed:

i. Six square feet for buildings, facilities, complexes, or developments with four or less units.

ii. 32 square feet for buildings, facilities, complexes, or developments with five or more units.

2. For multi-unit real estate signs located in a nonresidential district, the area of the sign shall not exceed 32 square feet.

(4) *Real estate banner signs.* In lieu of a multi-unit real estate sign, for shopping centers, congregate care facilities, and apartment/condominium complexes with five or more units available for sale, lease or rental, real estate banner signs may be permitted, subject to the following restrictions:

a. *Duration.* Real estate banner signs shall not be displayed for more than 12 months and shall be removed when 60 percent of the units are sold, leased or rented, whichever occurs first.

b. *Number of signs.* A maximum of one real estate banner sign may be displayed per building frontage. No multi-unit real estate signs or other banner signs or interim identification banner signs may be displayed concurrent with the display of real estate banner signs.

c. *Area.* The area of real estate banner signs shall not exceed one square foot per linear foot of building frontage up to a combined maximum of 100 square feet over all frontages.

d. *Location.* Real estate banner signs must be mounted flush to a building, wall, or fence and may not be located on a roof, awning, or overhang. In the event a banner sign interferes with minimum line of sight requirements, a reasonable alternative location which provides similar stability and security may be approved, provided the alternative location is not a roof, awning, or overhang.

(5) *Parking area decorative signs.* For parking areas, decorative banners, flags, garland, and pennants displayed for wayfinding or temporary events of a noncommercial nature may be permitted, subject to the following restrictions:

a. *Duration.* Decorative signs shall not be displayed for more than 180 days within a calendar year period.

b. *Size.* Decorative signs shall not exceed a maximum dimension of 36 inches by 60 inches.

c. *Height.* The bottom of each decorative sign shall be mounted a minimum of ten feet above finished grade.

d. *Location.* Decorative signs shall only be attached to individual light standards or permanent features in parking areas. Signs shall not link, adjoin, or connect light standards or permanent features.

(6) *Freestanding temporary signs.* One freestanding temporary sign per tenant may be permitted in commercial districts subject to the following restrictions:

a. *Duration.* Freestanding temporary signs shall not be displayed for more than 12 months and shall only be displayed during open business hours.

b. *Size.* Freestanding temporary signs shall not exceed a maximum height of four feet and a maximum width of two feet, including frames but excluding the base.

c. *Construction and design.* The construction and design of the sign shall provide a firm and sturdy base.

d. *Location.* Freestanding temporary signs shall be located against the building and adjacent to the entryway. There shall be a minimum of four feet of clearance around the sign.

Sec. 13.20.110. Special temporary sign permits.

(a) *Community facilities/open space sign permits.* For tenants in community facilities, or open space districts, a calendar year community facilities/open space sign permit allowing a maximum of two temporary signs on the sign property at any one time may be granted, subject to the following restrictions.

(1) No other temporary signage that requires a sign permit shall be displayed on the sign property while a community facilities/open space sign permit is in effect.

(2) Signs shall be subject to this chapter's standards for each relevant sign type, including but not limited to, height, area, and location, but are exempt from any time of display restrictions.

(3) Banners signs may be allowed in a rigid mounting structure that complies with all building code requirements. Only one rigid mounting structure shall be permitted per street frontage. Effective January 1, 2016, rigid mounting

structures shall not be constructed of either unpainted wood or polyvinyl chloride (PVC).

(4) Tenants with permanent changeable copy signs used to advertise short-term promotions, functions, or activities are not eligible to obtain community facilities sign permits.

(b) *Special event/temporary use signs.* Special event/temporary use sign permits may be granted for a special event and/or temporary use, subject to the following restrictions:

(1) Special event/temporary use signs shall only be approved as part of a special event or temporary use permit.

(2) Signs shall be located on the site of the special event or temporary use.

(3) Signs shall only be displayed during the special event or temporary use.

(4) Incidental or accessory outdoor use of balloons may be approved, provided they do not infringe on minimum lines of sight or otherwise create visual obstructions resulting in traffic safety hazards or any other harm to the public health, safety and welfare. Balloons shall not be intentionally released or made of any metallic material. Balloons shall be staked securely into the ground or securely attached to permanent building features.

Sec. 13.20.120. Signs not requiring a permit.

(a) *Sign permit not required.* The following types of signs are permitted without a sign permit; however, the sign owner shall not be relieved of other City permit requirements, sign maintenance responsibilities, or compliance with applicable provisions of this chapter, including but not limited to Sections 13.20.020 and 13.20.040 or any other law or ordinance:

(1) *Political signs.* Political signs are permitted on private property in all districts, provided they comply with Section 18541 of the California Election Code, pertaining to signs within 100 feet of a polling place. If they relate to an election or specific event, political signs shall be removed not later than 10 calendar days following the date of the election or other event. Political signs that contain information that is not related to an election or other event need not be removed during this time.

(2) *Window signs in commercial and community facilities districts.* Window signs are permitted in commercial and community facilities districts, subject to the following restrictions:

a. Window signs shall be limited to a combined area of half of the window area on each building frontage.

b. Light-emitting diode (LED) or neon signs (plug-in, nonstructural), such as "open" and "closed" signs, shall be permitted as part of the total allowable permanent window signage, not to exceed a combined total of six square feet or 25 percent of the window area on each tenant frontage, whichever is less. LED or neon signs shall be located inside, behind closed windows, doors or walls, at all times.

(3) *Residential open house, garage sale, estate sale, and yard sale signs.* Open house, garage sale, estate sale, and yard sale signs are permitted in residential districts subject to the following restrictions:

a. Signs shall only be displayed between the hours of dawn to dusk-on the day of the open house, garage sale, estate sale, or yard sale.

b. Signs which are staked in the ground, shall be made of a rigid material and securely staked. No riders may be attached to the sign (e.g., postings, flags, or pennants).

c. The area of each sign shall not exceed six square feet. The height of any sign, which is staked in the ground, shall not exceed four feet.

(4) *Residential decorative signs.* Banners, flags, garlands, pennants, and other signs displayed by individual residential units for noncommercial purposes are permitted in residential districts.

(5) *Residential incidental signs.* Incidental signs which relate to the identification of or conditions on an individual residential site (e.g., "residence protected by alarm," "beware of dog," "no trespassing," street address, etc.) displayed by individual residential units are permitted. For the purpose of this chapter, window signs displayed by individual residential units in any district may also be considered incidental signs.

(6) *Private traffic control signs.* Signs solely for the purpose of guiding pedestrian or vehicular traffic and parking on private property are permitted and may contain content similar to a traffic sign, provided the signage does not interfere with, mislead, or confuse traffic on public streets.

(7) *Club function signs.* Freestanding temporary signs staked in the ground and temporary easel signs are permitted for club functions, subject to the following restrictions:

- a. Club function signs must be temporary in nature and only identify short-term functions of a noncommercial and limited-term nature (e.g., "meeting today" displayed outside a room and/or onsite directing guests to a room).
- b. Club function signs are only permitted in community facilities districts and at country clubs located in open space or residential community districts.
- c. Club function signs shall be removed immediately after the function.
- d. Club function signs shall not obstruct entrances, walkways, or parking areas.

(8) *Construction entrance and exit signs.* Signs identifying the entrance and exit of a construction site shall be permitted on each construction site, provided they are only displayed during periods of active construction and are removed on or before completion of the final City building inspection.

(9) *Single-unit real estate signs.* In residential districts, one single-unit real estate sign shall be permitted per residential unit frontage, subject to the following:

- a. Single-unit real estate signs shall be removed upon the close of escrow or execution of lease or rental agreement.
- b. The single-unit real estate sign shall be made of a rigid material and securely staked in the ground or securely mounted flush to the building, wall, balcony railing, or fence. Signs shall not be located on a roof, awning, or overhang.

(10) *Construction or safety information signs.* On any site with active construction, excavation, demolition, grading, soil or other environmental remediation, or similar activity (collectively, “construction activities”), one sign stating any names and contact information of the entities directly involved with the construction activities, as well as renderings or photographs, shall be permitted on the site, subject to the following restrictions:

a. *Area.*

i. For sites with residential projects involving four or less units, the area of the sign shall not exceed six square feet.

ii. For sites with residential projects involving five or more units, the area of the sign shall not exceed 32 square feet.

iii. For sites with nonresidential projects, the area of the sign shall not exceed 32 square feet.

b. *Height.* The height of the sign shall not exceed five feet for the sign face; five and one half feet including base.

c. *Duration.* The sign shall not be displayed for more than 12 months and shall be removed upon completion of the construction activities or final building inspection by the City, whichever occurs first.

Sec. 13.20.130. Prohibited signs.

The following types of signs are prohibited unless specifically permitted in this chapter:

(1) Temporary signs not specifically allowed in this chapter.

(2) Signs held, worn, waved, or rotated by any individual, or attached or affixed to any animal, and used to attract attention for the purpose of promoting products and/or services or to direct individuals to a particular location.

(3) Signs that emit any noise.

(4) Balloons, blimps, hot air balloons, or similar devices.

- (5) Electronic message board signs.
- (6) Signs that use florescent colors or paints.
- (7) Light-emitting diode (LED) or neon signs displayed on the exterior of any property.
- (8) Flashing, blinking, rotating, revolving, wind motion, inflatable, laser beam, searchlight, or spotlight signs.
- (9) Billboards.
- (10) Portable signs.
- (11) Roof signs.
- (12) Signs that display, imply, identify, or advertise activities which are illegal under federal, state, or local laws.
- (13) Signs that display, imply, identify, or advertise graphic sexual activities or images or contain profane copy or nude images.
- (14) Signs that simulate or imitate in size, color, content, coloring or design any traffic signal, sign or device, or which makes use of the words "Stop," "Look," "Warning," "Caution," "Danger" or any other words, phrases, symbols or characters in a manner to interfere with, mislead, or confuse traffic.
- (15) Signs that are located on, attached to, extending into or over, or impeding any fire hydrants, legal fire lanes, or City property, including but not limited to traffic signals, streetlights, and utility poles.
- (16) Signs that are unsafe or constitute a direct and immediate hazard to public health, safety or welfare by reason of design, construction, location, condition, orientation, or any other factor.
- (17) Abandoned signs.
- (18) Advertising device/display.

Sec. 13.20.140. Exemptions.

(a) Signs erected, displayed, or required by the City are exempt from the permitting requirements of this chapter.

(b) The following signs may be displayed and are exempt from the permitting requirements of this chapter:

(1) With the exception of signs in commercial districts, temporary signs that are not visible from public right-of-way, provided however, nothing herein shall limit or abridge the City's ability to abate public or private nuisances.

(2) Direction, warning, or information signs required or authorized by a federal, state, or county authority.

(3) Official and legal notices issued by any court, public body, person, or officer in performance of a public duty or in giving any legal notice.

(4) Official national, state, or city flags.

(5) Signage incidental to any otherwise legal product dispensers and point of purchase displays which are exterior to any building.

(6) Signs for the convenience or safety of the public, such as signs identifying restrooms, public telephones, walkways, and similar features or facilities.

(7) Signs of public utility companies and private contractors indicating a warning or which serve as an aid to public safety or which show the location of underground facilities.

Sec. 13.20.150. Legal nonconforming signs.

(a) *Existing signs.* Signs legally existing prior to the effective date of this chapter shall not require compliance with this chapter until any of the following is true:

(1) The sign violates the terms under which it was legally approved.

(2) The sign is not properly maintained.

(3) The sign is unsafe or otherwise constitutes a hazard to public health, safety, or welfare.

(4) The sign displays, implies, identifies, or advertises any use or activity which is illegal under federal, state, or local law.

(5) Sign copy is changed, except for changeable copy signs provided that the new copy does not advertise or promote a use or activity unrelated to the site.

(6) The sign is relocated.

(7) The sign is removed or abandoned.

(8) Over 50 percent of the actual value of the sign is damaged or destroyed. A sign shall be deemed damaged or destroyed beyond 50 percent of actual value based on the actual cost of replacing the sign.

(9) Any City permit is requested to structurally or electrically expand the sign. Permits shall be issued contingent on the sign being brought into compliance.

(10) Any City permit is requested for major expansion, alteration, or remodel of the site, use, or activity that the sign is related to. Permits shall be issued contingent on the sign being removed or brought into compliance.

(b) *Establishment of legal nonconforming status.* The burden of establishing a sign as legally nonconforming is the responsibility of the sign owner.

(c) *Compliance disclaimer.* Status as a legal nonconforming sign is not intended to be exclusive and shall not excuse noncompliance with any federal, state, or other local laws, including but not limited to City permit requirements for alterations.

Sec. 13.20.160. Sign programs.

(a) *Purpose.* Sign programs provide incentive and latitude to achieve effectiveness, attractive appearance, compatible design and variety in permanent signage.

(b) *Generally.* The standards of this chapter related to permanent signs may be supplemented on a site-by-site basis, pursuant to a sign program approved by the City Council. A zoning variance approved by the City Council is required to approve prohibited or temporary signage that does not comply with this chapter.

(c) *Sign program required.* Sign programs shall be required for:

(1) Each new or remodeled commercial center, office complex, business park, or similar multi-tenant site, regardless of parcelization; and

(2) Each building that proposes any combination of three or more permanent signs or any permanent signage that would not comply with this chapter.

(d) *Submission materials.* Applications for a sign program shall be accompanied by the following minimum materials and the payment of fees established by resolution of the City Council:

(1) *Site plan.* A site plan, drawn to scale, delineating the site proposed to be included in the sign program and the location of all existing signs, proposed signs and means of illumination.

(2) *Building elevations.* Building elevations, drawn to scale, for each elevation with existing signs, proposed signs and means of illumination included.

(3) *Proposed signs.* Information describing the proposed signs, including area, dimensions, copy, material, and means of illumination.

(4) *Landscape plans.* Plans, drawn to scale, showing the effect of the proposed signs on site landscaping or a signed letter stating no effect.

(5) *Property owner authorization.* If the owner of the sign property is not the applicant for the sign program, he/she shall submit a signed letter of authorization for the placement of the proposed sign on the sign property.

(6) *Supplemental information.* Supplemental information may be required to review and consider approval of the proposed sign program.

(e) *Findings.* The City Council shall approve a sign program if it can make all of the following findings:

(1) The proposed signs are well-designed, consistent with any design criteria otherwise applicable to the sign property, compatible with community character and harmonious with surrounding properties, buildings, and streetscapes;

(2) The proposed signs are clear and legible in the circumstances in which they are seen, including for purposes of promoting awareness of local businesses and activities;

(3) The proposed signs are appropriate to the type of business or activity to which they pertain; and

(4) The proposed signs are displayed in a manner that does not harm public health, safety and welfare.

(f) *Submission to City Council.* Unless the City requires additional information to determine whether the proposed sign program is consistent with applicable standards, the sign program shall be placed on the agenda for a regularly scheduled City Council meeting within 60 days of submission of a complete application, provided however, the City may extend this deadline for good cause.

Sec. 13.20.170. Enforcement.

(a) *Illegal signs.* Any sign that does not have a required permit, or otherwise violates this chapter, shall be deemed illegal.

(b) *Administrative fines.* If the City determines a sign is illegal, it may impose an administrative fine against the owner of the sign property, the sign owner, or both in accordance with Chapters 1.04 and 1.06 of this Code. Consistent with Section 1.04.010(i)(5) of this Code, any violation of this chapter may be deemed to be an infraction and may be punished as such, notwithstanding the fact that, at the discretion of the District Attorney, any violation of this chapter may be filed as a misdemeanor. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction.

(c) *Abatement.*

(1) *Signs on private property.* The City may order the owner of a sign property and/or a sign owner to remove any illegal signs on private property. Upon failure to comply with a removal order from the City, the City may exercise the nuisance abatement process described in this Code to remove illegal signs. With the consent of the property owner and/or his or her authorized agent, the City may remove illegal signs on private property. Removed signs shall be retained at City Hall for a period of not less than 10 working days, after which the signs shall be considered abandoned, and may be discarded by the City.

(2) *Signs on City property.* To advance the City's interests in improving traffic safety and/or the appearance of the City, the City may remove any illegal signs located within the public right-of-way or on public property immediately,

without prior notice to the sign owner. Removed signs shall be retained at City Hall for a period of not less than 10 working days, after which the signs shall be deemed abandoned, and may be discarded.

(d) *Enforcement fees.* Should the City be required to remove any illegal or abandoned signs, the reasonable cost of such removal shall be assessed against the owner of such signs. The cost of removal shall be established by a Resolution of the City Council. The City Manager is authorized to use collection proceedings to recover uncollected fees.

(e) *Consecutive violations.* Each separate violation of this chapter and each day in which a violation occurs and shall constitute a separate violation of this chapter punishable by separate enforcement fees and/or administrative fines.

(f) *Liability.* Neither the City nor any of its agents shall be liable for any damage to a sign which is removed under this section.

(g) *Non-exclusive remedies.* Each and every remedy available for the enforcement of this chapter shall be non-exclusive and it is within the discretion of the City Manager to seek cumulative remedies. The remedies available to the City pursuant to this Code and chapter, including but not limited to removal authority, shall not limit the right of the City to seek any other remedy that may be available by law.

SECTION 5. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 6. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 7. The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED this XX day of XX 2014.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do
HEREBY CERTIFY that the foregoing **Ordinance No. 14-XX** was duly
introduced and placed upon its first reading at a Regular Meeting of the City
Council on the XX of XX 2014, and that thereafter, said Ordinance was duly
adopted and passed at a Regular Meeting of the City Council on the XX day of XX
2014 by the following vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

EXISTING SIGN REGULATIONS

TITLE 13 - ZONING

CHAPTER 13.20. - SIGN REGULATIONS

Sec. 13.20.010. - Purpose and intent.

- (a) The purpose and intent of this chapter is to promote and protect public health, safety and welfare by regulating signs in order to assure that they are:
 - (1) Well-designed, compatible with community character and harmonious with surrounding properties, buildings and streetscapes;
 - (2) Clear and legible in the circumstances in which they are seen;
 - (3) Appropriate to the type of business or activity to which they pertain; and
 - (4) Displayed in a manner that does not harm public health, safety and welfare.
- (b) This chapter is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any federal, state or other local laws.

Sec. 13.20.020. - General provisions.

- (a) *Permit required.* It shall be unlawful for any person or entity to display, erect, install, or maintain any sign requiring a permit under this chapter without obtaining and holding in full force and effect a permit issued in accordance with this chapter. Permits shall be issued by the City Manager and require submittal of an application, as well as the payment of fees established by resolution of the City Council.
- (b) *Special design approval criteria to apply.* Signs located within the boundaries of a specific plan, sign program or other special design approval area shall comply with all criteria established by such plan, program, or area.
- (c) *Interpretation of provisions.* Where a matter of interpretation arises regarding the provisions of this chapter, the more specific or more rigorous standard shall

prevail. If the City Manager determines that the application of any portion of this chapter is uncertain, interpretation shall be considered by the City Council.

- (d) *Maintenance.* Signs, together with frames, supports, braces, anchors and related components, shall be maintained in good condition, including the replacement of defective parts. Exposed surfaces shall be kept clean, in good repair, free of graffiti and other such markings, not discolored or faded, and painted where paint is required. The City Manager may determine and order the repair or removal of any sign that is unsafe, defective, damaged, or unsatisfactorily maintained.
- (e) *Property owner approval.* Nothing in this chapter is intended to permit the display, erection, installation, or maintenance of any sign without the approval of the property owner.
- (f) *Use of the City seal.* Use of the City seal is prohibited without prior written approval from the City Manager.

Sec. 13.20.030. - Sign placement.

- (a) *Traffic safety.* No sign shall obstruct any parking area or the free and clear vision and movement of pedestrian or vehicular traffic.
- (b) *Off-site signs.* All signs shall be located on the same premises as the business or activity identified by the sign unless specifically permitted in this chapter.
- (c) *Placement on City property.* No sign shall be located on, over, or across City property unless specifically permitted in this chapter.

Sec. 13.20.040. - Sign measurement.

- (a) *Measurement of sign height.* Sign height shall be measured as the greatest vertical distance measured from the ground level directly beneath the sign base to the top of the sign. When signs are constructed on hillsides or embankments where the sign supports are at varying lengths, height shall be measured from the horizontal midpoint of the sign. In cases where the City Manager determines that the visibility of a free-standing sign is impeded due to its placement below the elevation of the street to which it is oriented, the City Manager may measure maximum sign height from the top of curb of the street (or the edge of pavement

of such street where there is no curb) or from such other appropriate reference point as determined by the City Manager.

(b) *Measurement of sign area.* Sign area shall be measured as follows:

- (1) *Basic rule.* Sign size and area shall be defined as the total area of the sign face, including any perimeter trim, but excluding any structures or uprights on which the sign is supported.
- (2) *Window signs.* Window sign area shall be considered to be the entire area of any sign placed on or inside a window which is not painted or otherwise drawn directly on the glass. For signs painted or otherwise drawn directly on the glass, area measurement shall be the same as that for wall signs.
- (3) *Wall signs.* The area of signs composed of individual letters affixed to a building or freestanding wall shall be defined as the area which encloses all copy, logos and graphics with four, six or eight perpendicular lines.
- (4) *Double-faced signs.* If a sign is double-faced with only one face visible from any ground position at one time, its sign area shall be considered to be the area of either face taken separately. Thus, if the maximum permitted sign area is 20 square feet, a double-faced sign may have an area of 20 square feet per face.
- (5) *Three-dimensional signs.* If a sign has three or more faces, its sign area shall be considered to be the sum of the areas of each individual face. Thus, if a sign has four faces and the maximum permitted sign area is 20 square feet, the maximum area for each face shall be limited to five square feet.

Sec. 13.20.050. - Sign illumination.

- (a) *Generally.* Temporary signs shall not be illuminated. Permanent signs may be illuminated unless specifically prohibited in this chapter.
- (b) *Means of illumination.* All illumination from or upon any sign shall be shaded, shielded, directed, and/or reduced to prevent glare and reflection onto surrounding properties. Illumination shall not be unduly bright, meaning that it shall not be in excess of that which is reasonably necessary to make the sign readable to an average person. Externally-illuminated signs shall be lighted by

screened or hidden light sources. With the exception of the use of neon illumination in window signs as permitted in this chapter, the use of neon or non-standard lighting colors is prohibited.

- (c) *Illumination of signs abutting residential districts.* Except for signs pursuant to an approved sign program, when any district boundary abuts a residential district and the boundary is less than or equal to 100 feet away, signs facing said boundary shall not be illuminated.

Sec. 13.20.060. - Permanent sign design criteria.

- (a) *Colors.* Sign colors shall complement the colors used for the building and the project as a whole. Colors which interfere with legibility of the sign copy or which interfere with identification of existing or surrounding signs shall not be used. Sign colors shall be limited to a maximum of three, plus either black or white.
- (b) *Copy.* Sign copy cannot reference illegal, unauthorized, off-site, incidental, or accessory uses and is limited to identification purposes. Sign copy cannot include telephone numbers, fax numbers, e-mail addresses, or website addresses.
- (c) *Changes to approved sign face or copy.* Changes in the sign face or sign copy of any approved sign, other than normal maintenance or changes in the sign copy of approved changeable copy signs, shall be approved by the City Manager to ensure that the new sign face or sign copy is consistent with this chapter and any applicable specific plan, sign program or other special design approval regulations.

Sec. 13.20.070. - Permitted permanent signs.

- (a) *Tenant, building, or street frontage.* For the purpose of this section, tenant, building or street frontage shall mean the side of a building or tenant's portion of a building facing a parking lot, public or private street or driveway entrance.
- (b) *Awning signs.* For the purpose of this section, any sign incorporated into an awning or canopy shall be considered a wall sign.
- (c) *Permitted permanent signs.* The following permanent signs may be permitted with an approved sign permit and any other required permits from the City:

Sign type and eligible sites	Maximum number	Maximum area	Maximum height	Additional requirements
Freestanding monument signs				
Freestanding monument signs: for single tenant sites including commercial buildings (excluding gas stations), congregated care facilities, churches, temples and places of worship, and apartment/condominium complexes.	1 per site	Shall not exceed one square foot of area for each linear foot of building frontage, up to a maximum aggregate area of 40 square feet.	5 feet for sign face; 5 ½ feet including base	
Freestanding monument signs: for residential tract developments.	1 per entrance	Shall not exceed a maximum aggregate area of 40 square feet per sign.	5 feet for sign face; 5 ½ feet including base	Signs on decorative garden walls or retaining walls (e.g. curved, angled or similar walls integrated into a project entry or perimeter) are encouraged. In cases where such walls are on both sides of a dedicated entry drive, 2 signs are

				permitted per entrance.
Freestanding monument signs: for individual gas stations or "combination" uses, which combine a gas station with a car wash, fast food restaurant, convenience store, etc.	1 per street frontage; no more than 2 per site	Shall not exceed a maximum aggregate area of 40 square feet per sign.	5 feet for sign face; 5 ½ feet including base	Gas prices must display the actual price per gallon of all grades of gasoline, including taxes and other charges.
Wall signs				
Wall signs: for nonresidential uses, country clubs, congregate care facilities, and apartment/condominium complexes.	1 per tenant frontage; no more than 2 per site	Shall not exceed one square foot for each linear foot of tenant frontage for any elevation containing a sign. A combined maximum aggregate area of 150 square feet for all wall-mounted signs will be allowed per site.		Sign copy shall be contiguous, with words separated by no more than 3 inches.

Other signs				
Freestanding center identification signs: for shopping centers with five or more tenants.	1 per street frontage	Shall not exceed one square foot of sign area per linear foot of street frontage not to exceed a maximum aggregate area of 50 square feet per sign.	5 feet for sign face; 5 ½ feet including base	<ol style="list-style-type: none"> Signs shall identify the name of the shopping center, address, and up to three tenants. The name of the center shall constitute at least 50% of each sign face. Tenant identification shall be secondary in appearance to the name of the center.
Pedestrian signs: for shopping centers with five or more tenants and covered walkways.	1 per tenant frontage; no more than 2 per tenant	Shall not exceed a maximum aggregate area four square feet per sign.	1 foot	<ol style="list-style-type: none"> Signs shall not be illuminated. Signs shall be located perpendicular to the tenant facade, under the covered walkway, and a minimum of eight feet above finished grade.
Freestanding flag poles: for any single development site.	2 freestanding poles and 3 flags per single development site	N/A	35 feet in open space recreational, neighborhood commercial, or professional and administrative	<ol style="list-style-type: none"> For the purpose of this section, a commercial center, mall, business park, recreational facility and multi-

			<p>offices districts</p> <p>50 feet or building height, whichever is less in community commercial, community facilities, residential community, or residential multifamily districts</p>	<p>building residential development shall be considered a single development site, regardless of ownership or parcelization.</p> <p>2. Flags allowed shall be defined as fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used to denote nations, government subdivisions, educational institutions, or noncommercial organizations. Flags may not contain text other than the name of the organization, its incorporation date and/or motto.</p>
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Sec. 13.20.080. - Temporary sign design criteria.

(a) *Colors.* Sign colors shall complement the colors used for the building and the project as a whole. Colors which interfere with legibility of the sign copy or which interfere with identification of existing or surrounding signs shall not be used.

- (b) *Copy*. Sign copy cannot reference illegal, unauthorized, off-site, incidental, or accessory uses and is limited to advertising short-term promotions, functions, or activities, except where otherwise noted.

Sec. 13.20.090. - Permitted temporary signs.

- (a) *Tenant, building, or street frontage*. For the purpose of this section, tenant, building or street frontage shall mean the side of a building or tenant's portion of a building facing a parking lot, public or private street or driveway entrance.

- (b) *Sign permit required*. The following temporary signs may be permitted with an approved sign permit and any other required permits from the City:

- (1) *Construction information signs*. One sign stating the names and contact information of those entities directly involved with the construction of a project, as well as general construction and contact information, shall be permitted on a construction site, subject to the following:

- a. The area of the sign shall not exceed six square feet for residential projects involving four or less units, 32 square feet for residential projects involving five or more units, or 32 square feet for nonresidential projects.
- b. The height of the sign shall not exceed five feet for the sign face; five and one half feet including base.
- c. The sign may be displayed for a term not to exceed 12 months and shall be removed upon completion of the final City building inspection. The display period may be extended by the City Manager if construction is active.

- (2) *Banner signs*. Banner signs shall be permitted for tenants in commercial districts and on country clubs, congregate care facilities, and apartment/condominium complexes, subject to the following:

- a. Each site may display banner signs, for a maximum of 120 days within a calendar year period. Time can be used in any multiple of consecutive days, not exceeding 30 days per display. Banner signs shall be removed for at least 30 days prior to the effective date of a subsequent permit.

Multiple banner signs displayed consecutively shall count as a single banner sign. The City Manager may waive a single 30-day removal requirement for commercial businesses that are going out of business.

- b. The area of each banner sign shall not exceed 25 square feet for tenant frontages of 25 linear feet or less or one square foot per linear foot for tenant frontages of more than 25 linear feet. The combined maximum area of all banner signs displayed over all frontages shall not exceed 100 square feet.
 - c. Banner signs shall be mounted flush to a building, wall or fence and may not be located on a roof, awning, or overhang. In the event of sight line constraints, the City Manager may exercise discretion in the application of this standard, or may permit banner signs to be hung securely between two or more firm and sturdy objects.
 - d. Banner signs shall not contain telephone numbers, fax numbers, e-mail addresses or website addresses.
 - e. Banner signs shall not be used as a substitute for permanent signage or for purposes similar to real estate signs.
 - f. No more than 30 percent of the tenants in a multi-tenant building or shopping center may display banner signs at a single given time.
- (3) *Interim identification banner signs.* One interim identification banner sign per tenant shall be permitted during permanent sign change outs where new permanent signage has been approved by the City Manager but is not yet installed, or for new tenants where permanent signage has been approved by the City Manager but is not yet installed, subject to the following:
- a. The banner sign may be displayed for a term not to exceed 30 days and shall be removed upon installation of the permanent signage.
 - b. The banner sign shall only be permitted to be displayed in the location where the approved forthcoming permanent signage will be installed.

- c. Banner copy and size shall be limited to the copy and size approved for the forthcoming permanent signage and "Coming Soon," "Grand Opening," or similar language, if applicable.
 - d. No other temporary signage shall be displayed concurrent with an interim identification banner sign.
- (4) *Real estate signs.* For any one residential development or nonresidential building, one real estate sign shall be permitted, subject to the following:
- a. The real estate sign may be displayed for a term not to exceed 12 months and shall be removed upon the close of escrow or when the sale, lease or rental of all units has been accomplished, whichever occurs first. Buildings with no current vacancies are not permitted to display real estate signs.
 - b. Sign copy shall be limited to information relating to the sale, lease or rental of the building for which the sign is displayed.
 - c. The real estate sign shall be located on the building site being sold, leased or rented. In the case of a shopping center, residential tract development, congregate care facility, or apartment/condominium complex, the sign may be located on common area property within the larger site as long as it does not occupy property used for pedestrian or vehicular access. Nearby nonresidential buildings of a similar purpose that are represented by the same agent may be limited to less than one sign per building.
 - d. The area of the real estate sign shall not exceed:
 - 1. Where located in a residential district:
 - i. Four or less units per building: Six square feet.
 - ii. Five or more units per building: 32 square feet.
 - 2. Where located in a nonresidential district: 32 square feet.
 - e. Shopping centers, congregate care facilities and apartment/condominium complexes with five or more units available for

sale, lease or rental may display real estate banner signs in lieu of a real estate sign, subject to the following:

1. Real estate banner signs may be displayed for a term not to exceed 12 months and shall be removed when 60 percent of the units are sold, leased or rented, whichever occurs first.
 2. A maximum of one real estate banner sign may be displayed per building frontage. No other banner signs or interim identification banner signs may be displayed concurrent with real estate banner signs.
 3. The area of real estate banner signs shall not exceed one square foot per linear foot of building frontage up to a combined maximum of 100 square feet over all frontages.
 4. Real estate banner signs must be mounted flush to a building, wall or fence and may not be located on a roof, awning or overhang. In the event of sight line constraints, the City Manager may exercise discretion in the application of this standard; however real estate banner signs shall not be permitted to be hung between two or more firm and sturdy objects.
 5. Real estate banner signs shall not contain telephone numbers, e-mail addresses or website addresses.
- (5) *Shopping center decorative signs.* In shopping center parking areas, decorative banners, flags, garland and pennants displayed for noncommercial purposes shall be permitted subject to the following:
- a. Shopping center decorative signs may be displayed for a term not to exceed 12 months.
 - b. Shopping center decorative signs cannot exceed a maximum size of 30 inches wide and 60 inches long, but may be required to be smaller to achieve aesthetic proportion, avoid blocking views or comply with this chapter.

- c. The bottom of each shopping center decorative sign shall be mounted a minimum of ten feet above finished grade.
 - d. Shopping center decorative signs shall only be attached to individual light standards or permanent features in shopping center parking areas. Signs cannot link, adjoin or connect light standards or permanent features.
 - e. Shopping center decorative signs cannot have any wording, lettering or logos with the exception of:
 - 1. The name and/or logo of the shopping center, consistent with an approved sign program if applicable; and/or
 - 2. A decorative design related to a holiday, season or noncommercial event.
- (6) *Freestanding temporary signs.* Freestanding temporary signs shall be permitted for restaurants and retail businesses in commercial districts subject to the following:
- a. Specific regulations for eligible sites are:
 - 1. Restaurants in commercial districts.
 - i. One freestanding temporary sign may be displayed for a term not to exceed 12 months during open business hours, provided that the restaurant does not have any permanent signage that includes menu information.
 - ii. Sign copy is limited to the name of the restaurant and menu information. Sign copy shall not include contact information or advertise promotions, functions, or other activities.
 - 2. Retail businesses in commercial districts.
 - i. One freestanding temporary sign may be displayed as an alternative to banner signs. Freestanding temporary signs shall be subject to the same time of display restrictions that pertain to

banner signs and shall be counted toward the 120-day maximum display limit.

- ii. Sign copy shall not include contact information.
- b. Freestanding temporary signs shall not exceed a maximum height of four feet and two feet wide including frames. Width at base, construction and design shall be as necessary to provide a firm and sturdy base.
- c. Freestanding temporary signs shall be located against the building and adjacent to the entryway. Signs shall not be located in landscape areas. There shall be a minimum of four feet of clearance around the sign.

Sec. 13.20.100. - Special temporary sign permits.

- (a) *Nonprofit community service organization sign permits.* A no-fee permit for regular banner signs may be granted by the City Manager for a two-week period or less, to nonprofit community service organizations for functions which will benefit the general public or a majority of the City's residents. Signs shall conform to all design, location and other standards of this chapter (excluding maximum number of signs) and may also be used to advertise functions unrelated to the premises upon which signs are located. Banners shall be exempt from the 30-day removal and 120-day aggregate use limits.
- (b) *Community facilities sign permits.* Tenants in community facilities districts may apply for a calendar year sign permit allowing a maximum of two temporary signs on their property at any one time. No other temporary signage that requires a sign permit may be displayed on-site while a community facilities sign permit is in effect. Signs permitted by a community facilities sign permit are subject to the following:
 - (1) Signs shall be subject to this chapter's standards for each relevant sign type, including but not limited to, height, area, copy, and location, but are exempt from time of display restrictions.
 - (2) Sign copy must be related to the community facilities sign permit holder's primary use, not an incidental or accessory use. Signs advertising an activity or event may not be displayed more than 30 days in advance and must be removed within 48 hours of the end of the activity or event.

- (3) Banners signs may be allowed in a rigid mounting structure, subject to the City Manager's approval. Approval of a rigid mounting structure must consider, at a minimum, building code requirements for wind load and footing design. Only one rigid mounting structure shall be permitted per site.
 - (4) Tenants with permanent changeable copy signs used to advertise short-term promotions, functions, or activities are not eligible to obtain community facilities sign permits.
- (c) *Special event/temporary use signs.* The City Manager may exercise discretion in approving any of the temporary signs (including standards thereof) described in this chapter for display during a special event and/or temporary use, so long as the purpose and intent of this chapter is met and subject to the following:
- (1) Special event/temporary use signs shall only be approved as part of a special event or temporary use permit.
 - (2) Signs shall be located on the site of the special event or temporary use.
 - (3) Signs shall have a time of display limit concurrent with the special event or temporary use and shall not be counted toward the time of display restrictions described in this chapter.
 - (4) Sign copy shall be directly related to the special event or temporary use.
 - (5) Incidental or accessory outdoor use of balloons may be approved. The type, quantity, size, material, and location of balloons is subject to the approval of the City Manager and will be considered based on sight line constraints, as well as protection of public health, safety and welfare. Balloons shall not be intentionally released or made of any metallic material. Balloons may be staked into the ground or attached to permanent building features.

Sec. 13.20.110. - Signs not requiring a permit.

- (a) *Sign permit not required.* The following types of signs are permitted without a sign permit; however the sign owner shall not be relieved of other City permit requirements, sign maintenance responsibilities, and compliance with applicable provisions of this chapter, including but not limited to Sections 13.20.020 and 13.20.030 or any other law or ordinance:

(1) *Election signs.* Election signs are limited to government elections and are subject to the following:

- a. Election signs shall be placed no earlier than 60 days prior to the election promoted by or related to the election sign and shall be removed not later than ten days following the date of the election, except that election signs that carry over promotional information from a primary election to a general election need not be removed during the time between the related elections.
- b. The area of each election sign shall not exceed 25 square feet.
- c. The height of each election sign shall not exceed 12 feet.
- d. All election signs shall include the name of the sign owner or the sign owner's agent and a telephone number and physical address where such owner or owner's agent may be contacted.

(2) *Window signs in commercial and community facilities districts.* Permanent and temporary window signs not associated with individual residential units are subject to the following:

- a. Permanent and temporary signs shall be limited to a combined 25 percent of the window area on each building frontage.
- b. Permanent window signs may be displayed year-round. Temporary window signage shall be removed at least every 60 calendar days.
- c. Neon signs (plug-in, nonstructural), such as "open" and "closed" signs, shall be permitted as part of the total allowable permanent window signage, not to exceed a combined total of six square feet or 25 percent of the window area on each tenant frontage, whichever is less. Neon signs shall be located inside, behind closed windows, doors or walls, at all times.
- d. Temporary window signs may contain noncommercial copy and are not limited to advertising short-term promotions, functions, or activities.

- (3) *Residential open house signs.* Open house signs are limited to residential districts and subject to the following:
- a. Open house signs may be displayed between the hours of dawn to dusk, and only while the open house is in progress.
 - b. Open house signs for residential units located in a condominium or cooperative development shall be limited to four per unit and may be staked in the ground on site or on common area property associated with the unit, provided that they are located inside any entrances for the common interest development (e.g., behind entry gates or walls). Single-family residences shall be limited to one open house sign per property, which shall be placed on-site.
 - c. The copy of open house signs shall be limited to information relating to the sale, lease or rental of the unit or property, hours of the open house and directions to the open house.
 - d. Open house signs, which are staked in the ground, shall be made of a rigid material and securely staked. No riders may be attached to the sign (e.g., postings, flags or pennants).
 - e. The area of each open house sign shall not exceed four square feet. The height of any open house sign, which is staked in the ground, shall not exceed four feet. No portion of the stake upon which the sign is attached may extend beyond the top of the sign face.
- (4) *Garage, estate and yard sale signs.* Garage, estate and yard sale signs are limited to residential districts and subject to the following:
- a. Garage, estate and yard sale signs may be displayed between the hours of dawn to dusk, and only while the sale is in progress.
 - b. Garage, estate and yard sale signs for residential units located in a condominium or cooperative development shall be limited to a total of four per unit and may be staked in the ground, on site or on common area property associated with the unit, provided that they are located inside any entrances for the common interest development (e.g., behind entry

gates or walls). Single-family residences shall be limited to one garage, estate or yard sale sign per property, which shall be placed on-site.

- c. Garage, estate and yard sale sign copy shall be limited to information relating to the sale, hours of the sale and directions to the sale.
 - d. The area of each garage, estate or yard sale sign shall not exceed four square feet.
 - e. Garage, estate or yard sale signs, which are staked in the ground, shall be made of a rigid material and securely staked. No riders may be attached to the sign (e.g., "sold," "sale pending" or similar postings, flags or pennants).
 - f. The height of any garage, estate or yard sale sign, which is staked in the ground, shall not exceed four feet. No portion of the stake upon which the sign is attached may extend beyond the top of the sign face.
- (5) *Signs in residential enclosed areas.* In residential districts, signs located within malls, courts, arcades or other enclosed areas where signs are not visible from any point of the site boundary are permitted.
- (6) *Residential decorative signs.* Banners, flags, garland, pennants and other signs displayed by individual residential units for noncommercial purposes, which are each no more than 12 square feet in area are permitted.
- (7) *Incidental signs.* Incidental signs which relate to the identification of or conditions on an individual residential unit (e.g., "residence protected by alarm," "beware of dog," "no trespassing," street address, etc.) displayed by individual residential units, which are no more than three square feet in area, are permitted. For the purpose of this section, window signs displayed by individual residential units in any district may also be considered incidental signs.
- (8) *Private traffic control signs.* Signs solely for the purpose of guiding vehicular traffic and parking on private property are permitted as required by a site development permit or at the discretion of the private property owner and may contain content similar to a traffic sign so long as the signage does not interfere with, mislead or confuse traffic on City-owned streets.

- (9) *Club function signs.* Freestanding temporary signs and temporary easel signs are permitted for club functions subject to the following:
- a. Club function signs must be temporary in nature and only identify short-term functions of a noncommercial and limited-term nature (e.g., "meeting today" displayed outside a room and/or onsite directing guests to a room).
 - b. Club function signs are only permitted in community facilities districts and at country clubs located in open space or residential community districts, and only if sponsored by a club, non-profit community service organization, religious/spiritual organization, or government agency.
 - c. Club function signs shall be in place no more than two hours prior to a function and removed no later than two hours after the function.
 - d. Club function signs shall not obstruct entrances, walkways, or parking areas.
- (10) *Construction entrance and exit signs.* One sign identifying the entrance and one sign identifying the exit of a construction site shall be permitted on each construction site, subject to the following:
- a. The area of each sign shall not exceed 24 square feet.
 - b. The height of each sign shall not exceed the minimum height necessary to be visible to incoming or outgoing traffic, as applicable.
 - c. Signs shall only be displayed during periods of active construction and shall be removed upon completion of the final City building inspection.
- (11) *Residential real estate signs.* In residential districts, one real estate sign shall be permitted per residential dwelling, subject to the following:
- a. Real estate signs shall be removed upon the close of escrow.
 - b. Sign copy shall be limited to information relating to the sale, lease or rental of the unit for which the sign is displayed.

- c. The real estate sign may be staked in the ground or securely mounted flush to the building, wall, balcony railing or fence in conformance with subsection "d" below. Signs may not be located on a roof, awning or overhang. Signs staked in the ground shall be made of a rigid material and securely staked into the ground. No riders may be attached to the sign (e.g., "sold," "sale pending" or similar postings, flags, balloons or pennants).
- d. Real estate signs for residential units located in a condominium or cooperative development may be placed on-site or on common area associated with the unit, provided that they are located inside any entrances for the common interest development (e.g., behind entry gates or walls). Single-family residences shall be placed on-site.
- e. The area of each real estate sign shall not exceed four square feet.
- f. The height of each real estate sign shall not exceed four feet. No portion of the stake upon which the sign is attached may extend beyond the top of the sign face.

Sec. 13.20.120. - Prohibited signs.

The following types of signs are prohibited unless specifically permitted in this chapter:

- (1) Temporary signs not specifically allowed in this chapter.
- (2) Signs held, worn, waved, or rotated by any individual, or attached or affixed to any animal, and used to attract attention for the purpose of promoting products and/or services or to direct individuals to a particular location.
- (3) Signs that emit any noise.
- (4) Balloons such as blimps, hot air balloons, or similar devices.
- (5) Electronic message board signs.
- (6) Signs that use florescent colors or paints.

- (7) Neon signs displayed on the exterior of any property.
- (8) Flashing, blinking, rotating, revolving, inflatable, or spotlight signs.
- (9) Billboards.
- (10) Off-site signs or similar signs used to advertise or promote a use or activity unrelated to the site upon which the sign is placed.
- (11) Portable signs.
- (12) Roof signs.
- (13) Pole signs, with the exception of residential for sale, open house, garage, estate and yard sale signs and private traffic control signs.
- (14) Signs that display, imply, identify or advertise activities which are illegal under federal, state or local laws.
- (15) Signs that display, imply, identify or advertise sexual or contain profane or nude copy.
- (16) Signs that simulate or imitate in size, color, content, coloring or design any traffic signal, sign or device, or which makes use of the words "Stop," "Look," "Warning," "Caution," "Danger" or any other words, phrases, symbols or characters in a manner to interfere with, mislead or confuse traffic.
- (17) Signs that are located on, attached to, extending into or over, or impeding any fire hydrants, legal fire lanes or City property, including but not limited to traffic signals, streetlights and utility poles.
- (18) Signs that are unsafe or constitute a hazard to public health, safety or welfare by reason of design, location, condition or any other factor determined by the City Manager.
- (19) Abandoned signs.
- (20) Advertising device/display.

- (21) Signs in outdoor restaurant seating areas, including copy on umbrellas.

Sec. 13.20.130. - Exemptions.

Temporary signs erected, displayed or approved by the City:

- (1) Pursuant to a federal, state or local law, rule or agreement;
- (2) Relating to public safety, health or welfare;
- (3) Serving any directional, wayfinding, informational or decorative purpose and located on City-owned property;
- (4) Advertising a City-sponsored activity, special event or temporary use; or
- (5) Relating to a public works or maintenance project are exempt from this chapter.

Sec. 13.20.140. - Legal nonconforming signs.

- (a) *Existing signs.* Signs legally existing prior to the effective date of this chapter shall not require compliance with this chapter until any of the following is true:
 - (1) The sign violates the terms under which it was legally approved.
 - (2) The sign is not properly maintained.
 - (3) The sign is unsafe or constitutes a hazard to public health, safety or welfare.
 - (4) The sign displays, implies, identifies or advertises any use or activity which is illegal under federal, state or local law.
 - (5) Sign copy is changed, except for changeable copy signs provided that the new copy does not advertise or promote a use or activity unrelated to the site.
 - (6) The sign is relocated.
 - (7) The sign is removed or abandoned.

- (8) Over 50 percent of the actual value of the sign is damaged or destroyed. The City Manager shall determine whether a sign is damaged or destroyed beyond 50 percent of actual value based on the actual cost of replacing the sign.
 - (9) Any City permit is requested to structurally or electrically expand the sign. Permits shall be issued contingent on the sign being brought into compliance.
 - (10) Any City permit is requested for major expansion, alteration or remodel of the site, use or activity that the sign is related to. Permits shall be issued contingent on the sign being removed or brought into compliance.
- (b) *Establishment of legal nonconforming status.* The burden of establishing a sign as legally nonconforming is the responsibility of the sign owner.
 - (c) *Compliance disclaimer.* Status as a legal nonconforming sign is not intended to be exclusive and shall not excuse noncompliance with any federal, state or other local laws, including but not limited to City permit requirements for alterations.

Sec. 13.20.150. - Sign programs.

- (a) *Purpose.* Sign programs provide incentive and latitude to achieve effectiveness, attractive appearance, compatible design and variety in permanent signage.
- (b) *Generally.* The standards of this chapter related to permanent signs may be modified on a site-by-site basis, pursuant to a sign program approved by the City Council. A zoning variance approved by the City Council is required to approve prohibited or temporary signage that does not comply with this chapter.
- (c) *Sign program required.* Sign programs shall be required for:
 - (1) Each new or remodeled commercial center, office complex, business park or similar multi-tenant site, regardless of parcelization.
 - (2) Each building that proposes any combination of three or more permanent signs or any permanent signage that would not comply with this chapter.
 - (3) Any sign proposal deemed necessary by the City Manager or this chapter.

(d) *Submission materials.* Applications for a sign program shall be accompanied by the following materials and the payment of fees established by resolution of the City Council:

- (1) *Site plan.* A site plan, drawn to scale, delineating the site proposed to be included in the sign program and the location of all existing signs, proposed signs and means of illumination.
- (2) *Building elevations.* Building elevations, drawn to scale, for each elevation with existing signs, proposed signs and means of illumination included.
- (3) *Proposed signs.* Information describing the proposed signs, including area, dimensions, copy, material and means of illumination.
- (4) *Landscape plans.* Plans, drawn to scale, showing the effect of the proposed signs on site landscaping or a signed letter stating no effect.
- (5) *Property owner authorization.* If the property owner is not the applicant for the sign program, he/she shall submit a signed letter of authorization.
- (6) *Supplemental information.* Supplemental information may be required to review and consider approval of the proposed sign program.

(e) *Findings.* The following minimum findings are required for sign programs:

- (1) The proposed signs are well-designed, compatible with community character and harmonious with surrounding properties, buildings and streetscapes;
- (2) The proposed signs are clear and legible in the circumstances in which they are seen;
- (3) The proposed signs are appropriate to the type of business or activity to which they pertain; and
- (4) The proposed signs are displayed in a manner that does not harm public health, safety and welfare.

Sec. 13.20.160. - Enforcement.

- (a) *Illegal signs.* Any sign that does not have a required permit, or otherwise violates this chapter, shall be deemed illegal.
- (b) *Administrative fines.* If the City Manager determines a sign is illegal, he/she may impose an administrative fine against the property owner, the sign owner, or both in accordance with Chapters 1.04 and 1.06 of this Code. Consistent with Section 1.04.010(i)(5) of this Code, any violation of this chapter may be deemed to be an infraction and may be punished as such, notwithstanding the fact that, at the discretion of the District Attorney, any violation of this chapter may be filed as a misdemeanor. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction. Notwithstanding Section 1.06.040(b) of this Code and § 53069.4(2)(a) of the California Government Code, the City Manager may impose an administrative fine against the owner of an illegal temporary sign, the owner of the property where an illegal temporary sign is displayed, or both without providing said owner(s) with prior notice of violation and/or a correction period.
- (c) *Abatement.*
- (1) *Signs on private property.* The City Manager may order a property owner and/or sign owner to remove any illegal signs on private property. Upon failure to comply with a removal order from the City Manager, the City Manager may exercise the nuisance abatement process described in Title 1, Sections 1.08.030 through 1.08.140 of this Code to remove illegal signs. Abated signs shall be retained at City Hall for a period of not less than ten working days, after which the signs shall be considered abandoned, and may be discarded by the City.
 - (2) *Signs on City property.* To advance the City's interests in improving traffic safety and/or the appearance of the City, the City Manager may remove any illegal signs located within the public right-of-way or on public property immediately, without prior notice to the sign owner. Abated signs shall be retained at City Hall for a period of not less than ten working days, after which the signs shall be considered abandoned, and may be discarded.
- (d) *Enforcement fees.* Should the City be required to remove any illegal or abandoned signs, the reasonable cost of such removal shall be assessed against the owner of such signs. The cost of removal shall be established by a Resolution

of the City Council. The City Manager is authorized to use collection proceedings to recover uncollected fees.

- (e) *Consecutive violations.* Each separate sign in violation of this chapter and each day in which a violation occurs and shall constitute a separate violation of this chapter punishable by separate enforcement fees and/or administrative fines.
- (f) *Liability.* Neither the City nor any of its agents shall be liable for any damage to a sign which is removed under this section.
- (g) *Non-exclusive remedies.* Each and every remedy available for the enforcement of this chapter shall be non-exclusive and it is within the discretion of the City Manager to seek cumulative remedies. The remedies available to the City pursuant to this Code and chapter, including but not limited to removal authority, shall not limit the right of the City to seek any other remedy that may be available by law.

ITEM 7.1 – Attachment C

MEMORANDUM

TO: City Council
FROM: City Attorney's Office
DATE: November 14, 2014
FILE NO.: 028509-0003
RE: Summary of Proposed Amendments to Sign Ordinance

This memorandum summarizes the key differences between the current Sign Ordinance and the proposed Sign Ordinance scheduled for City Council consideration on November 19, 2014.

A. PROCEDURAL CHANGES

1. Approval of Sign Permits and Sign Programs: Add a procedure, timeframe and standards for the issuance of sign permits and sign programs. (§ 13.20.020(a)¹ [sign permits]; § 13.20.080(b) [permanent signage requiring City Council approval]; § 13.20.160 [sign programs].)
2. Appeals: Provide a procedure for the Board of Appeals (in this case, the City Council) to review a City official's sign-related decisions. (§ 13.20.020(h).)
3. Specifying Standards and Criteria for Decisions. Clarify provisions regarding sign-related determinations, including:
 - 3.a. Whether to issue a sign permit (§ 13.20.020(a));
 - 3.b. How to measure sign height (§ 13.20.040(a) [current]; § 13.20.050(a));
 - 3.c. Whether to extend the display period for construction signs (§ 13.20.090(b)(1)(c) [current]);
 - 3.d. Whether to permit waiver of the 30-day removal requirement for "going out of business" banner signs (§ 13.20.090(b)(2)(a) [current]);

¹ Unless otherwise noted, all citations refer to the *proposed* Sign Ordinance (not the *current* Sign Ordinance).

- 3.e. Where banner signs, real estate banner signs and special event banner signs may be located (§ 13.20.090(b)(2)(c) [current]; § 13.20.090(b)(4)(e)(4) [current]; § 13.20.100(b)(3) [current]);
- 3.f. Whether to approve temporary signage for nonprofit community service organizations and special events (§ 13.20.100(a)-(b) [current]); and
- 3.g. Whether to require a sign program (§ 13.20.150(c)(3) [current]).

B. SUBSTANTIVE CHANGES

- 4. Scope of Sign Ordinance: The current Sign Ordinance does not require permits for signs that are in residential districts, malls, courts, arcades or other enclosed areas when the signs are not visible from the site boundary. (§ 13.20.110(a)(5) [current].) The proposed Sign Ordinance exempts any sign that is not located in a commercial district and is not visible from the public right-of-way from most requirements. (§ 13.20.140(b)(1).)
- 5. Message Substitution: Add a message substitution provision allowing a noncommercial message to be substituted for a commercial message (e.g., a commercial sign could be converted to one soliciting charitable contributions, or expressing a political viewpoint.) (§ 13.20.020(g).)
- 6. Definitions: Add a section that provides definitions of key terms used in the Sign Ordinance (e.g., “abandoned sign,” “awning sign,” etc.) and amend the Zoning Code’s definition of “sign” so it is the same as the definition in the Sign Ordinance. (§ 13.20.030; § 13.06.010(d)(753).)
- 7. Off-Site Advertising: Add a provision that generally prohibits off-site advertising, but gives the City Council the discretion to allow adjacent properties to share signage if certain findings are met. (§ 13.20.040(b).) The current Sign Ordinance prohibits off-site advertising with no exceptions. (§ 13.20.120(10) [current].)
- 8. Colors of Signs: Relax the criteria for determining what constitutes permissible colors of permanent and temporary signage. (§ 13.20.060 [current]; § 13.20.070; § 13.20.080(a) [current]; § 13.20.090.)
- 9. Sign “Copy” Regulations: Remove all provisions regulating “copy” on signage (e.g., provisions prohibiting signs from displaying telephone numbers, email addresses, or website addresses). (E.g., § 13.20.060(b) [current]; § 13.20.070 [current]; § 13.20.080(b) [current]; § 13.20.090(b)(2)(d) [current]; § 13.20.090(b)(3)(c) [current]; § 13.20.090(b)(3)(b) [current]; § 13.20.090(b)(4)(e)(5) [current]; § 13.20.090(b)(6)(1) [current].)

10. Illegal Activities: Add a provision prohibiting “[s]igns that display, imply, identify, or advertise activities which are illegal under federal, state, or local laws.” (§ 13.20.130(13).)
11. Consent to Remove Illegal Signs: Add a provision authorizing City staff to remove illegal signs on private property without notice to the owner of the sign, provided they have the property owner’s consent. (§ 13.20.170(c)(1).) This provision would allow the City to immediately address illegal signs displayed on another person’s private property without the property owner’s consent.
12. Permanent Signs:
 - 12.a. Changes to Permanent Signs May Void Sign Permits: Add a provision specifying that changes to a permanent sign that render the sign inconsistent with the Sign Ordinance or any other applicable planning document or regulation will render the sign permit void. (§ 13.20.070(b).)
 - 12.b. Setbacks for Shopping Center Identification Signs: Add a requirement that monument signs and shopping center identification signs be setback at least 8 feet from the street curb and 2 feet from the sidewalk. (§ 13.20.070(c).)
 - 12.c. Maximum Number of Monument Signs: Add a provision that gives the City Council the discretion to allow a commercial development or residential tract development (but not a gas station) to exceed the maximum number of monument signs if certain findings can be met. (§ 13.20.070 [current]; § 13.20.080(a).)
 - 12.d. Maximum Number of Wall Signs: Change the maximum number of wall signs for nonresidential uses, country clubs, congregate care facilities, and apartment/condominium complexes from 1 per “tenant” frontage to 1 per “building” frontage, but keep the provision capping the maximum number of wall signs at 2 per site. (§ 13.20.070 [current]; § 13.20.080(a).)
 - 12.e. Maximum Area of Shopping Center Identification Signs: Increase the maximum aggregate area for shopping center identification signs from 50 square feet per sign to 80 square feet per sign and increase the maximum height. (§ 13.20.070 [current]; § 13.20.080(a).)
 - 12.f. Maximum Height of Shopping Center Identification Signs: Increase the maximum height of shopping center identification signs from 5 feet for the sign face and 5.5 feet total, including the base, to 8 feet for the sign face and 9 feet total, including the base. (§ 13.20.070 [current]; § 13.20.080(a).)

- 12.g. Content of Shopping Center Identification Signs: Relax the criteria for determining what content is permitted and/or required on a shopping center identification sign. (§ 13.20.070 [current]; § 13.20.080(a).)
 - 12.h. Maximum Number of Flag Poles: Eliminate limits on the number of flag poles and flags that can be placed and/or displayed on a site. (The current Sign Ordinance allows only 2 flag poles and only 3 flags per site.) (§ 13.20.070 [current]; § 13.20.080(a).)
 - 12.i. Definition of “Flag”: Move the definition of “flag” from the table setting forth development standards for each type of permanent signage and revise the definition to eliminate references to a flag’s content. (§ 13.20.070 [current]; § 13.20.030.)
 - 12.j. Drive-thru Signage: Add a new provision regulating drive-thru signs for commercial tenants with approved drive-thru lanes (maximum 2 signs per drive-thru lane; aggregate area cannot exceed 56 square feet; height cannot exceed 7 feet for sign face, 8 feet including base; temporary signage cannot be attached to sign). (§ 13.20.080(a).)
13. Temporary Signs:
- 13.a. Construction or Safety Information Signs: Remove the permit requirement for temporary construction or safety information signs. (§ 13.20.090(b) [current]; § 13.20.120(a)(10).)
 - 13.b. Maximum Duration of Banner Signs: Remove the 30 day maximum limit on any individual commercial banner display. (§ 13.20.090(b)(2)(a) [current]) Now, any combination of display dates, not to exceed 120 days annually, is permissible. (§ 13.20.100(a)(1)(a).) By necessary implication, therefore, the City Manager discretion to waive one of the former 30 day limitations for “going out of business” banners is removed, as moot. (§ 13.20.090(b)(2)(a) [current].)
 - 13.c. Maximum Duration of Interim Identification Banner Signs: Increase the maximum duration interim identification banner signs may be displayed from 30 days to 60 days, provided the banner is removed when permanent signage is installed. (§ 13.20.090(b)(3)(a) [current]; § 13.20.100(a)(2)(a).)
 - 13.d. New Regulations for Real Estate Banner Signs: Add section regulating the maximum duration, number, area and location of real estate banner signs. (§ 13.20.100(a)(4).)

- 13.e. Locations and Maximum Size and Duration for Parking Area Decorative Signs: Allow parking area decorative signs for non-commercial uses in any parking area. (The current Sign Ordinance allows parking area signs for shopping centers only.) Decrease the maximum duration for display of parking area decorative signs from 12 months to 180 days within a calendar period; increase the maximum dimension of signs from 30 x 60 inches to 36 x 60 inches. (§ 13.20.090(b)(5) [current]; § 13.20.100(a)(5).)
- 13.f. Eliminate No-Fee Nonprofit Community Service Organization Sign Permits: Remove the provision that authorizes the City Manager to grant a “no-fee” permit for banner signs to nonprofit community service organizations for functions the City Manager determines would “benefit the general public or a majority of the City’s residents.” (§ 13.20.100(a) [current].)
- 13.g. Phase Out Banner Signs Displayed on Structures Constructed from Certain Materials: Subject to a special temporary sign permit, certain banner signs will continue to be allowed to be displayed on a rigid mounting structure that complies with all building code requirements, but — effective January 1, 2016 — these structures can no longer be constructed from unpainted wood or PVC piping. (§ 13.20.100(b)(2) [current]; § 13.20.110(a)(3).)
- 13.h. Maximum Duration, Area and Height of Political Signs: Remove provision prohibiting private property owners from displaying election signs more than 60 days before an election; remove area and height restrictions for political signs on private property. (§ 13.20.110(a)(1) [current]; § 13.20.120(a)(1).)
- 13.i. Maximum Duration and Area of Window Signs: Increase maximum size of window signs that may be displayed in commercial and community facilities from one quarter of the window area on each building frontage to one half of the window area on each building frontage and remove requirement that window signs be taken down after 60 days. (§ 13.20.110(a)(2) [current]; § 13.20.120(a)(2).)
- 13.j. Maximum Area of Residential Decorative Signs: Remove provision limiting the area of residential decorative signs to 12 feet. (§ 13.20.110(a)(5) [current]; § 13.20.120(a)(4).)
- 13.k. Maximum Duration of Club Function Signs: Remove provision prohibiting private property owners from displaying club function signs more than 2 hours before the function, but require property owners to remove sign immediately after function is finished. (§ 13.20.110(a)(9)(c) [current]; § 13.20.120(a)(7)(b).)

- 13.l. Maximum Area and Height of Construction Entrance and Exit Signs: Remove provisions limiting maximum area of construction entrance and exit signs to 24 square feet and limiting maximum height to “the minimum height necessary to be visible” to traffic. (§ 13.20.110(a)(10) [current]; § 13.20.120(a)(8).)
- 13.m. Maximum Number, Area and Height of Single Unit Real Estate Signs: Remove provisions limiting maximum area of single unit real estate signs to 4 square feet and limiting maximum height to 4 feet. Increase maximum number of single unit real estate signs from one per residential dwelling to one per residential unit frontage. (§ 13.20.110(a)(11) [current]; § 13.20.120(9).)

* * *

Should you have any questions about this memorandum, please contact the City Attorney’s Office.

cc: City Manager

7.2
MASSAGE THERAPY REGULATIONS

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**City of Laguna Woods
Agenda Report**

DATE: November 19, 2014 Regular City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Christopher Macon, City Manager
AGENDA ITEM: Massage Therapy Regulations

Recommended Action

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public comment.

AND

4. Close public hearing.

AND

5. Approve the introduction and first reading of an ordinance entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING CHAPTER 6.40 OF THE LAGUNA
WOODS MUNICIPAL CODE PERTAINING TO MASSAGE
THERAPY REGULATIONS

Background

In 2004, the City Council adopted an ordinance that added Chapter 6.40 (“Massage Business Regulations”) to the Municipal Code. The purpose of the ordinance was to

regulate massage establishments and individuals involved in providing massage therapy in a manner to reduce the potential for illegal activity and physical injury. Regulations included licensing, training, and operational standards.

In 2008, Senate Bill 731 (Oropeza: massage therapy) was chaptered into State law establishing a voluntary, statewide certification program for individuals engaged in the practice of massage therapy. SB 731 also limited cities' land use authority with respect to massage establishments. Subsequently, the City Council made a variety of amendments to the Municipal Code, including making the voluntary certification mandatory for all persons engaged in the practice of massage therapy.

On September 18, 2014, Assembly Bill 1147 (Bonilla: massage therapy) was signed into law with the strong support of the League of California Cities. Like SB 731, AB 1147 contains numerous changes to the regulatory environment for massage therapy, but also returns land use authority to cities and other local governments.

Discussion

While AB 1147 returns local land use authority that was removed under SB 731, the scope of the proposed massage therapy regulations (Attachment A) is limited to amendments intended to conform to basic provisions of AB 1147 and clarify existing regulations. If the City Council would like staff to prepare additional regulations for future discussion, it could provide such direction either at this time or a later date.

For ease of reference, a redline document showing the City's existing and proposed massage therapy regulations is included as Attachment B. The proposed amendments can be generally characterized as follows:

- Modified the definition of "massage, massage therapy, and body work" for consistency with AB 1147, Section 4601(e)
- Excluded out-call only locations from the definition of "massage business or establishment" for consistency with AB 1147, Section 4601(f)
- Changed references to "Massage Therapy Organization (MTO)" to "California Massage Therapy Council" ("MTO" was used as a placeholder in advance of the California Massage Therapy Council being formed pursuant to SB 731)
- Deleted outdated references to a previous City permit and permitting process
- Deleted a filing requirement specific to a previous amendment of this Code
- Modified massage business or establishment employee clothing requirements for consistency with AB 1147, sections 4609(a)(10)(A) and 4609(a)(10)(C)

- Modified patron draping requirements during massage therapy for consistency with AB 1147, Section 51034(c)(4)

The full text of AB 1147 is available on the California State Legislature's website at www.legislature.ca.gov (under "Bill Information" or "Bill Search") and City Hall.

Fiscal Impact

The recommended action could be accommodated in the current year budget.

Environmental Review

The adoption of the proposed ordinance is not a project under the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15601(b)(3) of the CEQA Guidelines.

Conclusion

The proposed ordinance would amend the Laguna Woods Municipal Code's massage therapy regulations. If the City Council takes the recommended action, the second reading and adoption of the proposed ordinance would be tentatively scheduled for City Council consideration at the regular meeting on December 17, 2014.

Report prepared with: James Haston, Management Assistant

Attachments: A – Proposed Ordinance
B – Existing Massage Therapy Regulations (redline)

ORDINANCE NO. 14-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
AMENDING CHAPTER 6.40 OF THE LAGUNA WOODS MUNICIPAL
CODE PERTAINING TO MASSAGE THERAPY REGULATIONS

**THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Section 6.40.020, subdivision (20), of Chapter 6.40 (Massage Therapy Regulations) of the Laguna Woods Municipal Code is hereby amended to read in its entirety as follows:

(20) Massage, massage therapy, and bodywork are used interchangeably in this chapter and mean the scientific manipulation of the soft tissues. Specifically excluded are spiritual healing, detoxification, hypnosis, colonic irrigation, yoga, vacuum cupping, exercise, or procedures which penetrate body cavities by any method.

SECTION 2. Section 6.40.020, subdivision (25), of Chapter 6.40 (Massage Therapy Regulations) of the Laguna Woods Municipal Code is hereby amended to read in its entirety as follows:

(25) Massage business or establishment means any business or establishment with a fixed location that offers massage therapy or a combination of massage therapy and bath facilities, including, but not limited to, showers, baths, wet and dry heat rooms, plunges, saunas, pools and hot tubs. Any public bathing place where there is communal bathing or communal use of bath facilities at a fixed location where massage therapy is also performed shall be considered a massage business or establishment under this chapter. Locations where massage is only provided on an out-call basis are excluded.

SECTION 3. Section 6.40.020, subdivision (30), of Chapter 6.40 (Massage Therapy Regulations) of the Laguna Woods Municipal Code is hereby amended to read in its entirety as follows:

(30) Certificate means the certificate issued by the California Massage Therapy Council to massage therapists pursuant to California Business and Professions Code Section 4604, and to massage practitioners pursuant to California Business and Professions Code Section 4604.2 or California Business and Professions Code Section 4604.

SECTION 4. Section 6.40.030, subdivision (a), of Chapter 6.40 (Massage Therapy Regulations) of the Laguna Woods Municipal Code is hereby amended to read in its entirety as follows:

(a) Except where a specific exemption is applicable pursuant to Section 6.40.040 of this Code, it shall be unlawful and a misdemeanor for:

(1) Any person to engage in the practice of massage therapy unless such person holds and maintains in full force and effect a valid California Massage Therapy Council certificate.

(2) Any massage business or establishment to employ or retain a person to engage in the practice of massage therapy unless such person holds and maintains in full force and effect a valid California Massage Therapy Council certificate.

SECTION 5. Section 6.40.030, subdivisions (b) and (c), of Chapter 6.40 (Massage Therapy Regulations) of the Laguna Woods Municipal Code, are hereby repealed in their entirety.

SECTION 6. Section 6.40.040, subdivision (a)(5)(v), of Chapter 6.40 (Massage Therapy Regulations) of the Laguna Woods Municipal Code is hereby amended to read in its entirety as follows:

(a)(5)(v) Persons engaging in the practice of massage therapy hold valid California Massage Therapy Council certificates or are exempt under Section 6.40.040 of this Code.

SECTION 7. Section 6.40.040, subdivision (b), of Chapter 6.40 (Massage Therapy Regulations) of the Laguna Woods Municipal Code is hereby amended to read in its entirety as follows:

(b) In the event that an exempt person, as defined above in subsection (a), employs or retains a non-exempt person to engage in the practice of massage therapy at the exempt person's business location, the non-exempt person must obtain a California Massage Therapy Council certificate before engaging in the practice of massage therapy and the business must comply with the operations requirements set forth below in Section 6.40.060 of this Code.

SECTION 8. Section 6.40.050, subdivision (a), of Chapter 6.40 (Massage Therapy Regulations) of the Laguna Woods Municipal Code is hereby amended to read in its entirety as follows:

(a) Each massage business or establishment must maintain on its premises evidence for review by local authorities that demonstrates that all persons engaging in the practice of massage therapy have a valid California Massage Therapy Council certificate.

SECTION 9. Section 6.40.050, subdivision (b), of Chapter 6.40 (Massage Therapy Regulations) of the Laguna Woods Municipal Code is hereby amended to read in its entirety as follows:

(b) Proof of valid California Massage Therapy Council certification for all persons that engage in the practice of massage therapy must be filed with the City within five business days of each California Massage Therapy Council certificate's issuance or renewal.

SECTION 10. Section 6.40.060, subdivision (8), of Chapter 6.40 (Massage Therapy Regulations) of the Laguna Woods Municipal Code is hereby amended to read in its entirety as follows:

(8) No person employed or retained by a massage business or establishment shall expose any genitalia, buttocks, or female breasts, nor wear attire that is transparent, see-through, or substantially exposes undergarments, while engaged in the practice of massage therapy or while visible to any patron in the massage business or establishment. Patrons shall be draped sufficient to cover their genitalia and female breasts (if applicable) during massage therapy.

SECTION 11. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 12. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more

subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 13. The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED this XX day of XX 2014.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 14-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the XX of XX 2014, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the XX day of XX 2014 by the following vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

EXISTING MASSAGE THERAPY REGULATIONS (REDLINE)

TITLE 6 - BUSINESSES

CHAPTER 6.40. - MASSAGE THERAPY REGULATIONS

Sec. 6.40.010. - Purpose.

The purpose of this chapter is to establish regulations for the massage therapy profession that are reasonable and necessary to protect public health and safety and reduce the potential for illegal and illicit activity within the City of Laguna Woods. This chapter is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any State or other local laws.

Sec. 6.40.020. - Definitions.

For the purposes of this chapter, the following terms are defined:

- (05) *City* means the City of Laguna Woods.
- (10) *City Manager* means the City Manager of the City of Laguna Woods or his or her designee.
- (15) *Employed or retained* includes any person who is an employee, trainee, volunteer, or independent contractor of a massage business or establishment, regardless of whether or not compensation is paid.
- (20) *Massage, massage therapy, and bodywork* are used interchangeably in this chapter and mean the ~~application of various techniques to the muscular structure and soft tissues of the human body, including, but not limited to, any method of pressure or friction against, or stroking, kneading, rubbing, tapping, compressing, pounding, vibrating, rocking or stimulating of external surfaces of the body with hands or with the aid of any apparatus or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations for any consideration whatsoever~~ scientific manipulation of the soft tissues. Specifically excluded are spiritual healing, detoxification, hypnosis, colonic irrigation, yoga, vacuum cupping, exercise, or procedures which penetrate body cavities by any method.

- (25) *Massage business or establishment* means any business or establishment with a fixed location that offers massage therapy or a combination of massage therapy and bath facilities, including, but not limited to, showers, baths, wet and dry heat rooms, plunges, saunas, pools and hot tubs. Any public bathing place where there is communal bathing or communal use of bath facilities at a fixed location where massage therapy is also performed shall be considered a massage business or establishment under this chapter. Locations where massage is only provided on an out-call basis are excluded.
- (30) ~~*MTO certificate*~~*Certificate* means the certificate issued by the ~~Massage Therapy Organization (MTO)~~ California Massage Therapy Council to massage therapists pursuant to California Business and Professions Code Section ~~4601(e)~~ 4604, and to massage practitioners pursuant to California Business and Professions Code Section ~~4601(b)~~ 4604.2 or California Business and Professions Code Section ~~4604(a) or (e)~~.
- (35) *Person* means any individual, proprietorship, partnership, corporation, firm, association, joint venture, limited liability company, combination of individuals, or combination of the above in whatever form or character.

Sec. 6.40.030. - Licensing requirements.

- (a) Except where a specific exemption is applicable pursuant to Section 6.40.040 of this Code, it shall be unlawful and a misdemeanor for:
- (1) Any person to engage in the practice of massage therapy unless such person holds and maintains in full force and effect a valid ~~MTO~~ California Massage Therapy Council certificate.
 - (2) Any massage business or establishment to employ or retain a person to engage in the practice of massage therapy unless such person holds and maintains in full force and effect a valid ~~MTO~~ California Massage Therapy Council certificate.
- ~~(b) Any person who has in full force and effect a valid massage license issued by the City of Laguna Woods shall not be required to obtain an MTO certificate as long as that person maintains such license in full force and effect.~~

~~(c) All persons, massage businesses or establishments subject to this chapter shall have 60 calendar days from the effective date of this chapter to file proof of valid MTO certification with the City and to comply with this chapter.~~

Sec. 6.40.040. - Exemptions.

- (a) This chapter shall not apply to:
- (1) Physicians, surgeons, chiropractors, acupuncturists, osteopaths, podiatrists, naturopaths, physical therapists, and nurses who are duly licensed to practice their respective professions in the State of California under the provisions of the Business and Professions Code, while performing activities encompassed by such licenses.
 - (2) Persons who are duly licensed to practice a healing arts profession in the State of California under the provisions of Division 2 of the Business and Professions Code, while performing activities encompassed by such licenses.
 - (3) Barbers and cosmetologists who are duly licensed to practice their respective professions in the State of California under the Business and Professions Code, while performing activities encompassed by such licenses, provided that massage therapy is limited solely to the neck, face, scalp, feet, hands, arms, and lower limbs up to the knees, of their patrons.
 - (4) Employees of State-licensed hospitals and nursing homes, or other state-licensed physical or mental health facilities, provided that massage therapy is only provided to their patients, while performing activities encompassed by such licenses.
 - (5) Persons working in conjunction with an athletic event or similar single occurrence athletic event of no more than two days, including road races and marathons, provided that the following conditions are met:
 - (i) Massages are made equally available to all event participants;
and

- (ii) The event is open to participation or qualification for participation by a significant segment of the public (e.g., members or employees of the sponsoring or participating organizations, etc.); and
 - (iii) Massages are only provided in the facility where the event will take place during or immediately preceding or following the event; and
 - (iv) The owner of the facility where the event will take place, as well as the primary event sponsors, have been advised of and have approved the practice of massage therapy; and
 - (v) Persons engaging in the practice of massage therapy hold valid MTO-California Massage Therapy Council certificates or are exempt under Section 6.40.040 of this Code.
- (b) In the event that an exempt person, as defined above in subsection (a), employs or retains a non-exempt person to engage in the practice of massage therapy at the exempt person's business location, the non-exempt person must obtain a MTO-California Massage Therapy Council certificate before engaging in the practice of massage therapy and the business must comply with the operations requirements set forth below in Section 6.40.060 of this Code.

Sec. 6.40.050. - Display and filing of license.

- (a) Each massage business or establishment must maintain on its premises evidence for review by local authorities that demonstrates that all persons engaging in the practice of massage therapy have a valid MTO-California Massage Therapy Council certificate. ~~or City of Laguna Woods massage license.~~
- (b) Proof of valid MTO-California Massage Therapy Council certification for all persons that engage in the practice of massage therapy must be filed with the City within five business days of each MTO-California Massage Therapy Council certificate's issuance or renewal.

Sec. 6.40.060. - Operations requirements.

Massage businesses or establishments shall comply with the all of the following operations requirements in addition to all applicable requirements of the electrical, building, fire, plumbing, and other codes as adopted by the City, and State law:

- (1) All lavatories or wash basins shall be provided with soap and single service towels in wall-mounted dispensers.
- (2) Massage businesses or establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens. After a towel, covering or linen has been used once it shall be deposited in a closed receptacle and not used until properly laundered and sanitized. Clean towels, coverings and linens shall be stored in closed, clean cabinets when not in use. Heavy white paper may be substituted for sheets, provided that such paper is used once for each person and then discarded into a sanitary receptacle.
- (3) All massage therapy or bath facilities shall be maintained in good repair and thoroughly cleaned and disinfected as needed, but no less than once each business day that the premises are open and the facilities are in use. All bathtubs shall be thoroughly cleaned and disinfected after each use.
- (4) All persons shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before engaging in the practice of massage therapy.
- (5) Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing any type of massage, and said instruments shall be disinfected and sterilized after each use.
- (6) Pads used on massage tables shall be covered with durable and washable plastic or other acceptable waterproof material.
- (7) There shall be no display, storage, or use of any instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, including, but not limited to, vibrators, dildos, or condoms, or any goods or items which are replicas of, or which simulate, specified anatomical areas, or pornographic magazines, videos, or other material.

- (8) No person employed or retained by a massage business or establishment shall expose any ~~genitalsgenitalia, pubic regions,~~ buttocks, ~~anuses,~~ or female breasts ~~below a point immediately above the top of the areola to the view of a patron of the massage business or establishment, nor wear attire that is transparent, see-through, or substantially exposes undergarments, while engaged in the practice of massage therapy or while visible to any patron in the massage business or establishment.~~ Patrons shall be draped ~~with a clean, opaque towel~~ sufficient to cover their ~~genitalsgenitalia, pubic regions, buttocks, anuses, or and~~ female breasts ~~(if applicable)below a point immediately above the top of the areola~~ during massage therapy.
- (9) Each service offered, the price thereof, and the minimum length of time such service shall be performed shall be posted in a conspicuous public location in each massage business or establishment. All letters and numbers shall be capitals not less than one inch in height. No services shall be performed and no sums shall be charged for services other than those posted. This posting requirement shall not apply to exempt physicians and/or surgeons who employ or retain non-exempt persons to perform massage therapy as part of licensed medical activities. All arrangements for services to be performed shall be made in a room that is not used for massage therapy.
- (10) Alcoholic beverages may not be sold, served, furnished, kept, consumed, imbibed, or possessed on the premises without a conditional use permit and any applicable California Department of Alcoholic Beverage Control licenses.

Sec. 6.40.070. - Inspection by government officials.

The City Manager and his or her authorized representatives shall have the right to enter massage establishments or businesses, from time to time, during regular business hours, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this chapter and all laws of the City and State of California.

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7.3
COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PROPOSALS

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**City of Laguna Woods
Agenda Report**

DATE: November 19, 2014 Regular City Council Meeting
TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
AGENDA ITEM: Community Development Block Grant (CDBG) Proposals

Recommended Action

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public comment.

AND

4. Close public hearing.

AND

5. Authorize the City Manager to submit a proposal to the County of Orange for \$150,000 per year in Community Development Block Grant (CDBG) funds for the City's Energy Efficiency Improvement Project for the Fiscal Year 2015-16 through Fiscal Year 2017-18 housing rehabilitation grant cycle.

AND

6. Authorize the City Manager to submit other proposals to the County of Orange for Community Development Block Grant (CDBG) funds and rank proposals in terms of priority.

Background

As allowed by Federal law, Orange County cities with a population of less than 50,000 may choose to compete for Community Development Block Grant (CDBG) funds through programs administered by either the State of California or the County of Orange. Laguna Woods, unincorporated areas, and the cities of Brea, Cypress, Dana Point, Laguna Beach, Laguna Hills, La Palma, Los Alamitos, Placentia, Seal Beach, Stanton, and Villa Park participate in the Orange County Urban County CDBG Program administered by the County of Orange.

Under the Urban County CDBG Program, the County accepts proposals for housing rehabilitation grants every three years and public facilities and improvement grants annually. Since Fiscal Year 2003-04, the City has been awarded CDBG funds in excess of \$2 million, including continual housing rehabilitation grants.

Today's public hearing is a requirement in order for the City to submit proposals in response to the County's upcoming Request for Proposals for CDBG funds.

Discussion

Housing Rehabilitation Grants

Staff is recommending that a proposal be submitted to continue the City's Energy Efficiency Improvement Project, which has successfully assisted low income residents with residential energy efficiency improvements (e.g., installation of dual pane/Low-E glass windows and doors, screen doors, ceiling fans, and heat pumps) totaling more than \$1.4 million since its inception in Fiscal Year 2003-2004. The current fiscal year marks the end of the most recent three fiscal year funding cycle for which the City has received \$135,000 per year, or \$405,000 total.

While the availability of CDBG funds is expected to be lower than previous years, the County has not yet determined by how much. Staff is recommending that a proposal be submitted for \$150,000 for each of the next three fiscal years with the understanding that, if funded, the County may choose to award a lesser amount. As in previous years, the City would include a commitment of "in-kind" leveraging resources (e.g., inspection and grant administration time) to increase the proposal's competitiveness. Basic elements of the proposal would include an average limit of approximately \$2,500 in energy efficiency improvements per qualified low income resident, installation or verification of smoke alarms in each residence receiving improvements, and selection of residents based on income levels.

If awarded, the City would need to solicit competitive proposals from contractors to perform the work. The City's existing services agreement expires in June 2015.

While there is no limit on the number of housing rehabilitation proposals that the City can submit, staff believes it is unlikely that more than one would be funded. In the event that the City Council elects to submit multiple proposals, those proposals would need to be ranked in terms of priority.

Public Facilities and Improvement Grants

The City is able to submit one public facilities and improvement proposal per year. Projects must address one or more of the County's high priorities (senior centers, neighborhood facilities, street improvements, sidewalks, flood drain improvements, water/sewer improvements, and operating costs of homeless/AIDS programs).

All proposals must be submitted for public facilities. Last year, the City of Seal Beach submitted a proposal for street, sidewalk, and solar improvements located within Leisure World Seal Beach. It was ultimately determined by federal Housing and Urban Development (HUD) Department representatives that the proposal was ineligible as the work would have occurred within a gated community.

While staff is not recommending a public facilities and improvement proposal for the upcoming funding cycle, future proposals may be identified through the City's next annual budget and capital improvement program development process.

During the public hearing, residents and members of the public are encouraged to provide input on community needs and project priorities, including on the City's potential proposed projects and submittal of proposals for CDBG funding to the County for consideration under the Orange County Urban County Program.

Fiscal Impact

The recommended action can be accommodated in the current year budget.

Conclusion

The recommended action would allow for the submission of proposals for the upcoming Community Development Block Grant (CDBG) funding cycle.

Report prepared with: Patrick Foley, Community Services Manager

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8.1
ACCOUNTING CLERK POSITION

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**City of Laguna Woods
Agenda Report**

DATE: November 19, 2014 Regular City Council Meeting
TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
AGENDA ITEM: Accounting Clerk Position

Recommended Action

1. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, ESTABLISHING AND
AUTHORIZING THE POSITION OF ACCOUNTING CLERK

AND

2. Approve the Accounting Clerk job classification.

Background

The City Manager is responsible for hiring and supervising staff subject to the City Council's establishment and authorization of positions.

Discussion

The recommended action would establish the non-exempt, full-time position of Accounting Clerk and authorize the City Manager to fill the position. The position is intended to replace a vacant, part-time Administrative Assistant position assigned to the Administrative Services Department. After reviewing organizational needs, staff has concluded that the establishment of an Accounting Clerk position would better meet accounting, payroll, and administrative services demands. As with all employees hired by the City Manager, the recommended action would authorize the Accounting Clerk position for the fiscal year (through June 30, 2015).

Fiscal Impact

The recommended action could be accommodated within the current year budget. The proposed compensation schedule is \$18.93 to \$26.50 per hour.

Conclusion

Establishment and authorization of the Accounting Clerk position would allow for a more appropriate level of administrative, clerical, and technical support than is currently available for the City's accounting and payroll operations.

Attachments: A – Proposed Resolution
B – Proposed Job Classification

RESOLUTION NO. 14-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING AND AUTHORIZING THE POSITION OF ACCOUNTING CLERK

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Resolution No. 14-17 is hereby amended to add a new non-exempt, full-time employee position of Accounting Clerk with a compensation schedule of \$18.93 to \$26.50 per hour (hourly rate).

SECTION 2. Resolution No. 14-14 is hereby amended to additionally authorize a full-time personnel position of Accounting Clerk as part of the Fiscal Year 2014-2015 Budget.

SECTION 3. The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED ON this XX day of XX 2014.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 14-XX** was duly adopted

ITEM 8.1 – Attachment A

by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2014, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk



CITY OF LAGUNA WOODS JOB CLASSIFICATION

JOB TITLE: ACCOUNTING CLERK

SALARY RANGE: \$18.93 – \$26.50 HOURLY

STATUS: NON-EXEMPT AND AT-WILL

DEFINITION:

Under general supervision, the Accounting Clerk performs a variety of accounting and payroll duties for the Administrative Services Department (“Department”) including, but not limited to, duties of an administrative, clerical, and technical nature.

ESSENTIAL DUTIES:

The duties assigned include, but are not limited to, the following:

- Perform accounts payable and receivable functions, including recording revenues and expenditures, processing warrant requests, collecting Internal Revenue Service (IRS) Form W-9s from third-parties, and reconciling discrepancies.
- Prepare, print, and mail/distribute accounts payable checks.
- Assist with the reconciliation of bank statements, including tracking the status of and balancing accounts payable and receivable, closing months, and conducting follow-up with third parties related to uncashed payments.
- Close cash drawers and prepare related bank deposit packages.
- Input and post journal entries into electronic accounting systems.
- Prepare, distribute, and track invoices, including conducting follow-up with third-parties related to past due and otherwise delinquent accounts.
- Track and report on deposit-based and reimbursable projects, including collecting cost information, maintaining financial activity logs, and confirming balances.

- Provide audit assistance, including compiling records and documentation.
- Assist with payroll administration, including collecting timesheets; preparing and maintaining schedules; and, distributing paychecks.
- Create, scan, file, and maintain physical and electronic records.
- Prepare, compile, and disseminate qualitative and quantitative documentation and data, including correspondence, invoices, reports, manuals, inventories, and logs.
- Provide training on use of electronic accounting and payment systems.
- Provide support and relief coverage for City and Department employees.
- Perform other related duties as assigned.

MINIMUM QUALIFICATIONS:

Knowledge of:

- Modern office procedures, methods, and equipment, including computers.
- Responsive customer service practices, including active listening.
- Basic modern accounting procedures, methods, and equipment.
- Principles and techniques of record keeping and filing.

Ability to:

- Perform the essential duties described in this job classification in a professional, timely, and accurate manner with only general direction.
- Alphabetize, compare, count, differentiate, measure, assemble, sort, copy, record, classify, compute, tabulate, categorize, and transcribe data and information.
- Train persons with diverse backgrounds.
- Communicate effectively and concisely, including the ability to inform, educate, and persuade persons with diverse backgrounds.
- Communicate in writing effectively and concisely, including with use of proper spelling, grammar, punctuation, and command of the English language.
- Maintain confidentiality and discretion when necessary.
- Maintain professional composure at all times, including when dealing with upset, hostile, and difficult interpersonal interactions.

- Maintain effective organization of multiple activities and assignments in a busy office environment with frequent interruptions.
- Understand, analyze, and interpret data and information using established criteria, in order to determine consequences and identify and select alternatives.
- Understand, analyze, interpret, and apply generally accepted accounting principles and other standards, laws, regulations, and polices to assigned duties.
- Understand, calculate, and interpret percentages, fractions, and ratios.

Education and Experience:

Any combination of education and experience that provides the knowledge, skills, and abilities necessary for this position is qualifying. A typical way of obtaining the required qualifications is to possess a high school diploma confirming completion of the twelfth grade and one year of work experience involving relevant operations and activities. Prior experience in a municipal accounting support position and possession of an Associate degree from an accredited college or university with major course work in accounting, business administration, or a similar subject is highly desirable.

Licenses/Certifications:

Most possess and maintain a valid Class C California Driver's License and must qualify for and maintain insurability under the City's Vehicle Policy. This position involves the periodic performance of duties and travel that require operation of a personal vehicle.

PHYSICAL DEMANDS AND ENVIRONMENTAL SETTING:

While performing the duties of this class, employees are frequently required to sit, stand, walk, talk, and hear; use hands to handle, manipulate, feel, move and operate equipment, tools, and controls; and, use hands and arms to reach. Most activities are performed sitting at a desk in a sedentary manner and standing, walking, balancing, stooping, kneeling, and crouching while filing. Specific vision abilities required include close, distance, peripheral, and color vision, depth perception, and the ability to adjust focus. Specific hearing abilities required include hearing in the normal audio range with or without correction. Employees are periodically required to exert physical effort, involving carrying and lifting reports and file boxes up to 25 pounds.

While the duties of this class are primarily performed in an office setting with low to moderate noise and regular interruption, employees may also be frequently required to travel and work in other settings (e.g., bank deposits, meetings).

This position regularly works a five day, 40-hour workweek.

Tools and Equipment:

Must possess the knowledge and ability to effectively use computers, copiers, scanners,

calculators, facsimile machines, and telephones. Ability to use computers includes the knowledge and ability to input, query, and maintain information in software such as Microsoft Windows, Outlook, Excel, and Access, as well as Internet Explorer and the City's accounting software, as may change from time-to-time.

OTHER NOTICES:

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from this position if the work is a similar, related, or logical assignment.

The selection process for this position will include fingerprinting; a State Department of Justice criminal background check; reference checks; confirmation of education claims, licenses, and certifications; and, a physical medical examination.

This position is not exempt under the Fair Labor Standards Act.

Pursuant to Government Code §36506, neither this job classification nor any other human resources rules or regulations shall be construed to provide employees with any tenure or property interest in employment with the City. All City employees serve "at will" and are subject to termination without cause at any time – no exceptions.

All City employees are designated Disaster Service Workers by both State law and City ordinance. Duties when serving as a Disaster Service Worker may be in locations, during hours, and performing work significantly different from the employee's normal duties.

The City is an Equal Employment Opportunity employer and does not discriminate on the basis of race, color, religion, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation, pregnancy, childbirth, or related medical conditions, gender, gender identity or expression, genetic information, or age.

The City provides employment rights and non-discrimination on the basis of disability as established in the Americans with Disabilities Act. Reasonable accommodation may be made to enable a person with a disability to perform this position's essential functions.

Additional human resources laws, rules, and regulations apply to this position.

City Council Approval: November XX, 2014