

ORDINANCE NO. 990

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING MUNICIPAL CODE AMENDMENTS BY AMENDING CHAPTER 30.84 OF THE DEL MAR MUNICIPAL CODE (SIGNS) TO ALLOW TEMPORARY SIGNS IN LOCATIONS WITHIN UNIMPROVED PORTIONS OF THE PUBLIC RIGHT-OF-WAY THAT DO NOT CAUSE A PUBLIC SAFETY ISSUE IN RESIDENTIAL ZONES BY OR WITH PERMISSION OF THE UNDERLYING PROPERTY OWNER; AND CLARIFY HOW THE ALLOWABLE SIZE OF TEMPORARY SIGNS IS CALCULATED

WHEREAS, Del Mar Municipal Code (DMMC) Chapter 30.84 (signs) establishes a comprehensive system for the regulation of signs to promote the public safety, health, and welfare; and

WHEREAS, as currently written DMMC Chapter 30.84 (signs) prohibits temporary signs from being placed adjacent to residential properties in areas that encroach into the City's right-of-way; and

WHEREAS, City Council desires to amend DMMC Chapter 30.84 to allow temporary signs in locations within unimproved portions of the public right-of-way that do not cause a public safety issue in residential zones by or with permission of the underlying property owner; and

WHEREAS, City Council also desires to clarify how the allowable size of temporary signs is calculated; and

WHEREAS, other provisions of DMMC Chapter 30.84 related to temporary signs would remain unchanged, including prohibiting placement in City street medians, in unpaved walking areas, inside traffic circles, on City parcels, attached to utility poles, street light standards, on/in trees, or in environmentally sensitive resource locations including but not limited to, areas of the beach, lagoon, wetlands, and habitat; and

WHEREAS, the Planning Commission considered and recommended approval of the proposed code amendments at a public hearing held on May 10, 2022, and the City Council has considered this recommendation; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed action is exempt from CEQA pursuant to the common-sense exemption (CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, City Council has determined that it is in the best interests of the City, its residents, and businesses to amend DMMC Chapter 30.84.

NOW, THEREFORE, the City Council of the City of Del Mar, California, does ordain as follows:

SECTION ONE:

The foregoing recitals are true and correct.

SECTION TWO:

That DMMC Section 30.84.030 be amended as follows:

30.84.030 Permitted Sign Area Total for Residential Zones.

On a lot zoned for residential use, a property owner may post, erect, and maintain signs of a sign area total as follows:

A. Identification Sign	Maximum one square foot per dwelling unit displayed by each unit.
	For properties of five or more units, an additional maximum sign area of 12 square feet.
B. Temporary Signs	Maximum five and one-half square feet for each individual unit as measured on one side of the sign.

SECTION THREE:

That DMMC Section 30.84.075 be amended as follows:

30.84.075 Sign Encroachment Permit Required/Exemptions from Requirement.

- A. Unless otherwise provided in this Chapter, no sign shall be installed, posted, erected or maintained so as to encroach within a public right-of-way in a commercial zone without the prior receipt of a Sign Encroachment Permit.
- B. Where a Sign Encroachment Permit is required, the Planning Commission shall serve as the issuing authority.
- C. No sign Encroachment Permit shall be required for a blade sign which meets all of the parameters listed below.

Parameters for exemption:

- 1. The sign has received all other required permits, including Design Review, or Administrative Design Review, as required by DMMC Chapter 23.08 or 23.09;
- 2. The sign complies with all applicable regulations contained in this Chapter;
- 3. The sign complies with the sign size parameters contained in the Sign Chapter of the Municipal Code;

4. The sign is installed so that the bottom of the sign is elevated a minimum of eight feet above any adjacent sidewalk or walkway;
 5. The sign does not extend within five feet of the vertical extension above any driving surface;
 6. There is only one blade sign per business for each street frontage of the business;
 7. The sign is not an internally illuminated plastic ("can") sign; and
 8. The sign or sign support system does not extend more than four feet from the building wall, measured from the point at which the sign or sign support is attached to the building.
- D. No Encroachment Permit shall be required for a temporary sign located in a residential zone that is posted, erected, or maintained by the occupant of a dwelling unit or with the permission of the occupant, which meets all of the parameters listed below:
1. No part of the sign encroaches into paved areas of streets, bike lanes, or sidewalks, unpaved walking areas, traffic circles, or center medians;
 2. The sign does not block automotive or pedestrian sight lines, or otherwise conflict with the public health and safety;
 3. The sign is not located on the public beach or within an environmentally sensitive resource location; and
 4. The sign complies with all applicable regulations contained in this Chapter.

SECTION FOUR:

The City Council finds that approval of this ordinance is exempt from CEQA pursuant to the common-sense exemption (CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION FIVE:

This Ordinance was introduced by the City Council on June 6, 2022.

SECTION SIX:

The City Clerk is directed to publish a summary of this Ordinance together with the votes cast thereon no less than five days prior to the consideration of its adoption and again within 15 days following adoption.

SECTION SEVEN:

This Ordinance shall take effect and be in force thirty (30) days after the date of adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California at the Regular Meeting held this 20th day of June 2022.

Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. 990, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held on the 20th day of June, 2022, by the following vote:

AYES: Mayor Worden, Deputy Mayor Martinez, Council Members Druker and Gaasterland
NOES: None
ABSENT: None
ABSTAIN: Council Member Quirk

Sarah Krietor, Administrative
Services Manager/City Clerk
City of Del Mar