



# CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 • FAX (831) 394-6421

## **SPECIAL MEETING OF THE CITY OF DEL REY OAKS CITY COUNCIL TUESDAY, JUNE 2, 2020 AT 6:00 P.M.**

**MEETING TO BE HELD VIRTUALLY ONLY  
AT THE FOLLOWING ZOOM LINK PER GOVERNOR NEWSOM'S EXECUTIVE  
ORDERS N-29-20 AND N-33-20 REGARDING COVID-19 PROTOCOLS:**

*Click on link below  
If you are not able to,  
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the video portion of the meeting.*

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1. 6:00 P.M. - ROLL CALL – *Council*
2. **PUBLIC COMMENTS:** General Public Comment must deal with matters subject to the jurisdiction of the City and the Council that are not on the Agenda. Anyone wishing to address the City Council on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered. *There will be a time limit of not more than three minutes for each speaker. No action will be taken on matters brought up under this item and all comments will be referred to staff.*
3. **NEW BUSINESS:**

	<i>Action Items</i>
A. Consider the General Plan Annual Progress Report	<i>Action</i>
B. Resolution to Approve GreenWaste Recovery Rate Schedule for 2020-2021	<i>Action</i>
C. Consider First Reading of Ordinance 302, Modifying Chapter 17.59 of the Del Rey Oaks Municipal Code Relating to Signs as Recommended by the Planning Commission	<i>Action</i>

4. NEXT MEETING DATE: Tuesday, June 23, 2020, at 6 P.M.

5. ADJOURNMENT

*Information distributed to the Council at the meeting becomes part of the public record. A copy of written material, pictures, etc. must be provided to the secretary for this purpose. All enclosures and materials regarding these agenda items are available for public review at the Del Rey Oaks City Hall, 650 Canyon Del Rey Road, Del Rey Oaks.*

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# CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 • FAX (831) 394-6421

June 2, 2020

TO: City of Del Rey Oaks City Council

FROM: City Manager and DD&A, City Consulting Planners

SUBJECT: Annual Progress Report on the Implementation of the General Plan

Government Code Section 65400 requires the City to annually prepare a report regarding the status of the City's General Plan and progress in its implementation (2019 General Plan Progress Annual Report). This Annual Progress Report (APR) must be provided to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). The annual progress report provides a means to monitor the actions taken to implement the City's General Plan. This allows the City to consider if annually if changes are needed in the plan or its implementation programs.

The format and content of this Annual Report was prepared in accordance with the State's submittal requirements under California Government Code Section 65400. This General Plan Annual Report is a reporting document and does not create or alter policy. The content is provided for informational purposes only and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306.

The Annual Report also provides information regarding the City's progress in meeting its share of regional housing needs and summarizes the degree to which the General Plan complies with statutory requirement pursuant to Government Code Section 65040.2. The City adopted the 2019 Housing Element on December 17, 2019 as required by Government Code Section 65580 et seq. The 2019 Housing Element is a multi-year housing plan for the 5th Planning Cycle, 2015-2023 planning period. The City of Del Rey Oaks submitted the Housing Annual Progress Report to HCD and OPR (on the Housing Element progress) on April 1, 2020. This General Plan Annual Progress Report is also due to HDR and Office of Planning and Research (OPR) annually. Due to the pandemic, the report due date submittal was delayed until May.

The Planning Commission met on May 13 to review the General Plan APR. Commissioners and the public provided comment to staff. The attached GP report reflects that input.

**City Council:** Staff recommends that the City Council receive the staff presentation, receive City Council and public input, and consider staff recommendations.

**Staff Recommendation:** Recommend the City Council consider the APR and approve the required submittal of the APR to HCD.

**Next Steps:** Submittal of the APR to HCD.

Respectfully Submitted

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Dino Pick

**Attachments to the Staff Report**

A City of Del Rey Oaks General Plan Implementation Progress Report

# City of Del Rey Oaks

## General Plan Annual Progress Report

April 28, 2020

### 1.0 Introduction And Summary

Government Code Section 65400 requires the City to annually prepare a report regarding the status of the City's General Plan and progress in its implementation (2019 General Plan Progress Annual Report). This Annual Report must be provided to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). The annual progress report provides a means to monitor the success of implementing the General Plan and determine if changes are needed in the plan or its implementation programs. The Annual Report also provides information regarding the City's progress in meeting its share of regional housing needs and summarizes the degree to which the General Plan complies with statutory requirement pursuant to Government Code Section 65040.2.

The format and content of this Annual Report was prepared in accordance with the State's submittal requirements under California Government Code Section 65400. This General Plan Annual Report is a reporting document, and does not create or alter policy. The content is provided for informational purposes only, and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306.

### 2.0 Background

The Del Rey Oaks (City) General Plan was adopted in 1988 for areas outside of the former Fort Ord. On June 17, 1997, the City adopted amendments to its General Plan which approved land use designations and policies for the City's lands within the former Fort Ord. (Resolution 97-1, approved by the City Council on July 17, 1997, adopted the General Plan Update and Certified the Environmental Impact Report for the General Plan Update). On December 9, 1998, the City Council of the City of Del Rey Oaks also passed and adopted Resolution No. 98-20 which declared the City's intent to carry out the General Plan Update in conformity with the Fort Ord Reuse Plan and Authority Act. The current General Plan is a combination of the 1988 Policies and 1997 General Plan Update for the Former Fort Ord.

#### *Prior Housing Element*

The City of Del Rey Oaks' Housing Element was first drafted in 1990, and in January 1992 it was formally adopted. The Element was then incorporated into the 1995 General Plan Update, which was approved in 1997. A draft version of an Update to the Draft Housing Element was prepared and circulated with a public review CEQA document (Draft Initial Study/Mitigated

Negative Declaration) in 2003. The California Department of Housing and Community Development (HCD), the agency responsible for reviewing the housing elements of all cities in California for their compliance with State law requirements, identified additional policies and programs needed for the 2003 Housing Element to be consistent with State Law. The Housing Element was revised and expanded per HCD comments in 2006. This 2006 version was again reviewed, and this time conditionally accepted by the HCD in 2006 subject to the adoption of the Housing Element by the City Council.

### *Adopted Housing Element*

The City adopted the 2019 Housing Element on December 17, 2019 as required by Government Code Section 65580 et seq. The 2019 Housing Element is a multi-year housing plan for the 5th Planning Cycle, 2015-2023 planning period. The City of Del Rey Oaks submitted the Annual Progress Report to HCD and OPR on the Housing Element progress on April 1, 2020. The City's Housing Element APR reported progress limited progress on the Housing Element in reaching the Regional Housing Needs Assessment. The City is working on a work program to implement the newly adopted 2019 Housing Element and will be conducting sessions with the Planning Commission and City Council toward this effort in 2020.

### **3.0 General Plan Implementation Progress**

DRO General Plan elements were reviewed for implementation progress and status through updating the 2017 Annual Progress Report conducted over a series of meetings and public hearings. During these Planning Commission meetings, each policy of the General Plan was reviewed, relevant projects undertaken by the City were identified, and progress on the implementation was discussed. Attachment 1 provides the City of Del Rey Oaks policies/programs and addresses implementation action/status of each of these. This document was updated by staff on April 1, 2020.

**General Plan Progress:** This General Plan Annual Progress Report represents the progress the City has made towards implementing the actions of the General Plan. Review of the General Plan identified actions undertaken by the City that worked toward implementing the City's General Plan and represents a comprehensive review and reporting.

The City has worked to progressively implement the policies outlined in each element of the City's General Plan. While some accomplishments were realized through this process, additional steps are needed to effectuate the General Plan more fully. While some of the General Plan polices have areas that require additional work for implementation, the overall concepts of the planning policies relative to Del Rey Oaks are compatible with the vision and quality of life values for the City of Del Rey Oaks, as reported in the General Plan.

**Housing Element Progress:** The City Planning Commission and City Council recognized the need for a Housing Element update and completed the update in 2019. The City adopted the 2019 Housing Element on December 17, 2019 as required by Government Code Section 65580 et seq. The 2019 Housing Element is a multi-year housing plan for the 5th Planning Cycle, 2015-2023 planning period. The City is working on a work program to implement the newly adopted 2019 Housing Element and will be conducting sessions with the Planning Commission and City Council toward this effort.

**Other Actions:** The City Council also conducted a public meeting concerning City of Del Rey Oaks vision for 2020.

**City of Del Rey Oaks  
Planning Commission Findings for  
General Plan Implementation Progress Analysis  
May 2020**

Policy Number	Policy Summary	Implementation Status	Justification for Finding
<b>Land Use Element</b>			
<i>L-1</i>	The city of Del Rey Oaks shall work with adjoining cities, special districts, County, Fort Ord Reuse Authority and regional agencies on matters of zoning, land use planning, transportation planning and water shed management to assure that all development projects and actions are consistent with the goals and policies contained in the City's General Plan, and that such projects and actions shall minimize adverse community and environmental impacts.	Complete/Policies Implemented regularly	The City works regularly with local agencies to ensure consistency between regional development and City General Plan policies. The City has worked particularly close with the Fort Ord Reuse Authority to ensure the City General Plan is in conformance with the Fort Ord Reuse Plan, and when annexing a large property on the Former Fort Ord.
<i>L-2</i>	The City shall work with the Local Agency Formation Commission (LAFCO) to define the City's Sphere of Influence and prepare a plan for providing services for the Fort Ord reuse area to facilitate annexation.	Complete/Policies Implemented regularly	The City works closely with LAFCO. One example of this is when the City annexed property on former Fort Ord, the City worked directly with LAFCO for services and adopted a Sphere Of Influence.
<i>L-3</i>	The City shall continue to work with the Monterey Peninsula Airport District to ensure land use compatibility of the airport's proposed north side development plan. The City shall work with the Airport District to ensure that the District will implement a buffer/open space area that reduces the impact on the adjoining residential units in the City.	Complete/Policies Implemented regularly	The City works closely with the Monterey Peninsula Airport District to ensure land use compatibility including providing comment on plans. In addition, a 100-foot buffer along the northern airport property line has been designated as Open Space to provide separation for the City to reduce impacts on the residents.
<i>L-4</i>	The City shall work with the Airport District to ensure that the Airport District will not compete with the City's market for future development of light industry, research, visitor serving, and office uses.	Complete/Policies Implemented regularly	The City communicates with the Airport District regarding development plans and provides comment during environmental review to ensure they do not conflict with the City's planned future development.
<i>L-5</i>	The airport shall not expand its present aviation operation. If expansion is necessary to accommodate projected passenger demand, it should be moved away from populated areas prior to further improvement and capital investments.	Complete/Policies Implemented regularly	City is working with the airport on their general plan update, which will expand facilities but not in areas that should affect the City.
<i>L-6</i>	New commercial uses shall be compatible with the character of the community and not generate impacts that would create a significant adverse effect on existing uses.	Complete/Policies Implemented regularly	All new commercial projects are reviewed for consistency with the City's character and uses by the City Planning Commission, overseen by the City Council. One recent example includes the Stone Creek Shopping Center development in which there was continuous discussion between the developer and City about viewsheds, character of the shopping center, and impacts of uses.
<i>L-7</i>	Undergrounding of utilities and other forms of enhancement shall be pursued as practicable on public and private property.	Complete/Policies Implemented regularly	The City's Planning Commission encourages undergrounding of facilities in new development, the Stone Creek Shopping Center undergrounded utilities but there has not been a lot of major development in City recently. The City is currently

**City of Del Rey Oaks  
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May 2020**

<b>Policy Number</b>	<b>Policy Summary</b>	<b>Implementation Status</b>	<b>Justification for Finding</b>
<b>L-8</b>	New development along Canyon Del Rey should be reviewed from the standpoint of the “view from the road,” in addition to normal site plan review criteria. Buildings should be modulated for interest and softened by trees and landscaping.	Complete/Policies Implemented regularly	accumulating money from PG&E yearly and saving those funds to be able to underground whole sections of the City. There has not been a lot of new development along Canyon Del Rey aside from the Stone Creek Shopping Center Project, during which a program was developed to preserve and plant oak trees, maintain open space, and incorporate native vegetation into landscaping.
<b>L-9</b>	Native vegetation along Canyon Del Rey should be preserved and entrances to the City enhanced by landscaping.	Complete/Policies Implemented regularly	See policy L-8. The new Stone Creek Shopping Center being an entrance to the City was considered during the development of the project and native landscaping was incorporated.
<b>L-10</b>	New commercial uses shall consider its’ affects on glare, bright lights, or electrical interference that would affect airport operations.	Complete/Policies Implemented regularly	The City Planning Commission takes these factors into consideration for all new commercial development.
<b>L-11</b>	Commercially zoned areas shall include standards for: visual appearance, landscaping, screening of storage and trash, building bulk, height, exterior treatment, and relationship to Canyon Del Rey Road and Highway 68.	Complete/Policies Implemented regularly	The City Planning Commission takes these factors into consideration for all new commercial development.
<b>L-12</b>	New and/or remodeled and expanded residential structures shall be visually attractive and compatible with the existing residential neighborhoods and their appearance.	Complete/Policies Implemented regularly	Multiple remodeling and residential expansion projects come before the Planning Commission every year and these factors are considered.
<b>L-13</b>	Efforts shall be made to control long-term parking of vehicles on streets, and boats, trailers and recreation vehicles on property where they detract from the orderly appearance of the neighborhood.	Complete/Policies Implemented regularly	The City has various ordinances setting standards for parking of all types of vehicles to conserve the character of the City. In addition, currently the City is undergoing a process of adding an ordinance City code to limit the parking of recreational vehicles on the streets.
<b>L-14</b>	The City should continue to support the Association of Monterey Bay Area Governments in its efforts to disseminate information and to develop technical assistance programs.	Complete/Policies Implemented regularly	The City is a member of Association of Monterey Bay Area Governments and supports multiple of their projects and programs.
<b>L-15</b>	The City shall facilitate community input and feedback in various methods including the City’s ACORN publication.	Complete/Policies Implemented regularly	A primary goal of the City is to facilitate community input and feedback; all community meetings are open to the public and advertised on their website. In addition, community input is encouraged and public participation plays a major role in all City projects including the City’s Housing Element update and short term rental ordinance.
<b>L-16</b>	The City should encourage volunteer participation for their citizens.	Complete/Policies Implemented regularly	The City encourages volunteer participation in programs such as the Citizen’s Action Group, Sustainable Del Rey Oaks, various Mayor’s advisory committees, and through efforts

**City of Del Rey Oaks  
Planning Commission Findings for  
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			such as "Adopt an Island" where volunteers beautify public open space. The Planning Commission is made up of resident volunteers.
<b>Circulation Element</b>			
<b>C-1</b>	Level of Service (LOS) shall be as defined by the most recent planning method in the Highway Capacity Manual (HCM) for intersections during the weekday afternoon peak hour.	Needs Update	The appropriate LOS is defined in Monterey County by the Transportation Agency of Monterey County (TAMC).
<b>C-2</b>	All intersections on Highway 218 within the City are part of the adopted Monterey County Congestion Management Program (CMP) network. Proposed new land uses shall require mitigation measures to assure that the CMP LOS standards are met for those intersections. These measures may include, but not be limited to a fair share of the City's costs to fund the recommended regional transportation projects. The CMP LOS standards are as follows: <b>Intersection - CMP Standard</b> 1. Highway 218 @ Highway 68 - LOS E 2. Highway 218 @ N. Fremont - LOS D	Needs Update	<p>The 1994 Congestion Management Plan was the last program document prepared by the Transportation Agency of Monterey County (TAMC). The 2014 Monterey County Regional Transportation Plan (RTP) meets the requirements of 23 CFR 450.320 by incorporating the following federal congestion management process: performance monitoring and measurement of the regional transportation system, multimodal alternatives, land use impact analysis, the provision of congestion management tools, and integration with the regional transportation improvement program process.</p> <p>Recent Transportation Agency Board actions related to the Congestion Management Program include:</p> <ul style="list-style-type: none"> <li>Resolution 2016-04 Adoption of the Monterey County 2014 Regional Transportation Improvement Program, which includes "the TAMC Board finds that the revised Monterey County 2016 RTP is consistent with the Congestion Management Program (CMP) and the Regional Transportation Plan (RTP) and hereby amends the revised 2016 RTP into the Congestion Management Program Capital Improvement Program."</li> <li>Resolution 2014-11 Adopting the 2014 Monterey County Regional Transportation Plan, which includes "the 2014 Monterey County Regional Transportation Plan serves as a Congestion Management Process identifying the most serious congestion problems and evaluating and</li> </ul>

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			incorporating, as appropriate, all reasonably available actions to reduce congestion, such as travel demand management and operational management strategies for all corridors with any proposed capacity increase.”
<b>C-3</b>	Proposed new land uses shall require mitigation measures to assure that the LOS will not degrade below LOS “C” or the current (1995) LOS – whichever is lower for all other intersections within the City.	Needs Update	The 1994 CMP lists LOS standards, but TAMC has adopted and supports an LOS D standard for planning purposes. TAMC has adopted and supports an LOS D standard for planning purposes. However, there has been no new development that speaks to this policy within the City.
<b>C-4</b>	To minimize the adverse impact of through-traffic traversing the City, widening or other actions which increase such traffic on Highway 218 west of North-South Road or City streets will be discouraged or not permitted by the City. Conversely, actions which reduce or divert such traffic will be favored or implemented by the City.	No Issue	No widening has occurred on Highway 218. It is the policy of the City that if new development has the potential for an adverse impact on traffic the City would require a traffic study and environmental clearance document to determine mitigation that would minimize traffic impacts.
<b>C-5</b>	Super trucks shall not be allowed off State highways within City limits.	No Issue	No issue.
<b>C-6</b>	For proposed new land uses, new off-street parking shall be required, adequate for the motor vehicle parking demand generated by such proposed use(s). Joint use parking is encouraged.	Complete/Policies Implemented regularly	All new proposed land uses are reviewed for parking and traffic impacts by the City Planning Commission, overseen by the City Council.
<b>C-7</b>	The City does not support any realignment of Highway 68 which will significantly impact the intersection of Canyon Del Rey and Highway 68 and result in land use and fiscal impacts on the City due to the loss of commercial property at the east entrance to the community.	Complete/Policies Implemented regularly	Re-alignment of Highway 68 has been considered, but has not occurred for any significant portion.
<b>C-8</b>	Minimize the potential negative impact of the reopening of North-South Road.	Complete/Policies Implemented regularly	North-South Road was reopened and renamed as General Jim Moore Boulevard. Potential negative impacts of reopening of the road were minimized through traffic calming measures such as traffic lights, stop signs, raised concrete center divide, etc.
<b>C-9</b>	The City supports the Monterey County Congestion Management Program and voluntary Trip Reduction Ordinance adopted by the Transportation Agency for Monterey County.	Needs Update	See Policy C-2 above.
<b>C-10</b>	To reduce the need for motor vehicle trips, mixed, complementary land use will be promoted where feasible.	Complete/Policies Implemented regularly	The City seeks a mixed use development on its Fort Ord property that will promote walkability. The City strongly supports the TAMC-led Fort Ord Recreational Trail and Greenway project to promote walkability through the City.
<b>C-10a</b>	The City will coordinate and assist with TAMC and AMBAG in providing funding for an efficient regional transportation network.	Complete/Policies Implemented	The City works closely with TAMC and AMBAG, TAMC has development different regional fees associated with new

**City of Del Rey Oaks  
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<b>C-10b</b>	Support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation network.	Complete/Policies Implemented regularly	The City is collaborating with FORA, TAMC, and the City of Monterey on the South Boundary Road project to provide for a separated mixed use path along South Boundary Road, and a potential round-about at the intersection with General Jim Moore Blvd.
<b>C-10c</b>	Land use and circulation plans shall be integrated to create an environment that supports a multi-modal transportation system. Development shall be directed to areas with a confluence of transportation facilities (auto, buses, bicycles, pedestrian, etc.)	No Issue	There has not been much significant new development in the City.
<b>C-11</b>	In order to provide or promote a safe, interconnected network of bicycle and pedestrian routes linking homes with places of work, school, recreation, shopping, transit centers and other activity centers both within the City and nearby, four Class II City Bike Routes are hereby designated and adopted: <ul style="list-style-type: none"> <li>▪ Highway 218 within City limits;</li> <li>▪ North/South Road from City limit to Highway 218 (requested Fort Ord annexation area)</li> <li>▪ Carlton Drive from Highway 218 to the City limit.</li> <li>▪ South Boundary Road (requested Fort Ord annexation area)</li> </ul>	Complete/Policies Implemented regularly	The City has adopted some of these bike lanes including a Class II bike lane along Highway 218 traveling west, the City supports the proposed Fort Ord Rec Trail and Greenway (FORTAG) which will provide regional bike trail connections through the cities of Monterey, Del Rey Oaks, Seaside, and Marina. The funded FORTAG segment will install a raised bike path on Carlton Drive. The South Boundary Road project will include a separated mixed use path from GJM to Rancho Saucito Road in Monterey.
<b>C-12</b>	Any improvement, repavement or signalization on the three designated City Bike Routes permitted by the City shall include Type II bike lanes on both sides of the affected segment of those routes.	No Issue	See C-11.
<b>C-13</b>	New non-residential land uses which generate significant adverse traffic impacts shall dedicate an easement or make a monetary contribution, if appropriate, toward the completion of adopted Bicycle Routes.	Complete/Policies Implemented regularly	All new non-residential land uses, of which there have been very few within the City, must adhere to California Environmental Quality Act standards, therefore if they do have the potential to generate adverse traffic impacts those impacts would be evaluated in a traffic study and mitigation measures to reduce those impacts would be required, these may include new bicycle routes.
<b>C-14</b>	For all proposed new land uses in the City, provision for bicycle circulation, sidewalks and pedestrian-friendly design will be required.	Complete/Policies Implemented regularly	Though there has not been much new development in the City the Planning Commission reviews all new projects and promotes multi-modal transportation and walkability
<b>C-15</b>	Land use and circulation plans shall be integrated to create an environment that supports a multimodal transportation system. Development shall be directed to areas with a confluence of transportation facilities (auto, bus, bicycle, pedestrian, etc.).	No Issue	See policy C-10 above.

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<b>C-16</b>	The City will seek to continue and expand the provisions of MST or other transit services to existing and new users.	Complete/Policies Implemented regularly	The City works closely with MST to continue to provide service to the City and regional connections.
<b>C-17</b>	The City will not support the potential north side access from Highway 218 and Del Rey Gardens Drive or any airport access road through the City of Del Rey Oaks.	Complete/Policies Implemented regularly	The City submitted written comment during the Airport District's Master Plan EIR opposing a north side access road through the City in 2018. The Airport changed its plan to propose access through an existing road in Monterey to its north side.
<b>Public Services Element</b>			
<b>S-1</b>	New development shall be required to "pay its own way" and not overly burden existing City residences and services consistent with applicable laws.	Complete/Policies Implemented regularly	New development is required to evaluate its potential adverse effects on services and other environmental impacts under CEQA and identify potential mitigation if applicable; in addition FORA consistency also requires new development to study these impacts as well.
<b>S-2</b>	The City shall encourage the appropriate agency to look into replacing deteriorated sewer and water lines.	Ongoing/Actions for Implementation Underway	California American Water Company has done some water line replacement along General Jim Moore Boulevard and Carlton Drive within the City. Seaside County Sanitation District has improved a lift station at Rosita and Angelus.
<b>Uests</b>	All new development shall connect to a municipal water and sewer system.	Complete/Policies Implemented	The City Planning Commission takes these factors into consideration for all new development.
<b>S-4</b>	Gravity flow for sewer and water service shall be employed wherever feasible and appropriate.	Complete/Policies Implemented regularly	The City Planning Commission takes these factors into consideration for all new development.
<b>S-5</b>	The City should work closely with the Seaside Sanitation District and the County Health Department in encouraging all homes to be connected to the sanitary sewer system.	Complete/Policies Implemented regularly	Some houses within the City are still on septic, but new lines on-General Jim Moore Boulevard encourage and allow for more houses to connect.
<b>S-6</b>	Engineered drainage plans shall be required for all development projects.	Complete/Policies Implemented regularly	Engineering drainage plans are required under CEQA and reviewed by the City for all new development, of which there has not been much in the City.
<b>S-6a</b>	The direct discharge of stormwater or other drainage from new impervious surfaces created by development of the office part (OP) parcel into the ephemeral drainage in the natural area expansion (NAE) parcel will be prohibited. No increase in the rate of flow of stormwater runoff beyond pre-development levels will be allowed. Stormwater runoff from developed areas in excess of pre-development quantities shall be managed on site through the use of basins,	No Issue	There has not been any new significant development in these areas however, new development is required to evaluate its potential adverse effects on hydrology and water quality under CEQA and identify potential mitigation if applicable.

**City of Del Rey Oaks  
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	percolation wells, pits, infiltration galleries, or any other technical or engineering methods which are appropriate to accomplish these requirements will be utilized for development on polygon 31b.		
<b>S-7</b>	The City shall identify public infrastructure needs to schedule improvements necessary for achieving long term land use and community development objectives.	Ongoing/Actions for Implementation Underway	Urban services are provided adequately, the FORA Capital Improvements Plan identifies public infrastructure improvements scheduled from 2016/17 through 2021/22.
<b>S-8</b>	The City shall develop a water allocation program identifying priority water connections.	Ongoing/Actions for Implementation Underway	The Monterey Peninsula Water Management District (MPWMD) regulates the allocation of water within the Monterey Peninsula.
<b>S-9</b>	The City shall encourage waste minimization and source reduction of all wastes.	Complete/Policies Implemented regularly	This is required under state mandate.

**Parks and Recreation**

<b>PS-1</b>	A Park Master Plan should be developed to address the maintenance and upgrade to the City's parks.	Ongoing/Actions for Implementation Underway	There has not been a Park Master Plan developed due to lack of budget.
<b>PS-2</b>	New development should provide landscaping, natural areas of open space, recreation areas or amenities wherever appropriate.	Complete/Policies Implemented regularly	The City's Planning Commission takes into account landscaping, natural areas of open space, recreation area or amenities where appropriate.

**Open Space/Conservation**

<b>C/OS-1</b>	The City will encourage protection of scenic resources by: a. Locate structures away from ridgelines, steep slopes, or in other highly visible locations unless site review and design makes it desirable; b. Utilize natural landforms and vegetation for screening structures, access roads, building foundations, and cut and fill slopes;	Complete/Policies Implemented regularly	The design, location, and use of natural landforms of new development are considered when presented to the City Planning Commission.
<b>C/OS-2</b>	The City should actively communicate and coordinate with surrounding jurisdictions and water agencies in preventing erosion, pollution and siltation of the Canyon Del Rey drainage system.	Complete/Policies Implemented regularly	The City actively coordinates with local agencies as a member of the Monterey Regional Storm Water Management Program to prevent soil erosion, pollution and siltation of the Canyon Del Rey drainage system. In addition the California Environmental Quality Act limits/prevents impacts to geologic and water resources, therefore any project proposed for development along Canyon Del Rey that may have an adverse impact on the drainage system would be subject to

**City of Del Rey Oaks  
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<b>Policy Number</b>	<b>Policy Summary</b>	<b>Implementation Status</b>	<b>Justification for Finding</b>
			assess and mitigate for any adverse impacts under the California Environmental Quality Act.
<b>C/OS-3</b>	Wildlife habitat and wildlife corridors shall be preserved.	Complete/Policies Implemented regularly	The City is committed to preserving wildlife habitat and wildlife corridors by preserving large areas of open space and maintaining natural vegetation at the frog pond.
<b>C/OS-4</b>	Significant stands of riparian vegetation shall be subject to only minimal cutting and removal, and then only when proven unavoidable.	Complete/Policies Implemented regularly	The City is committed to maintaining native vegetation, there is not much riparian vegetation in the City, and the Monterey Regional Parks District maintains the vegetation of the frog pond with the goal of preserving the natural riparian vegetation.
<b>C/OS-5</b>	The existing system of green belts and open spaces should be preserved and maintained.	Complete/Policies Implemented regularly	The City is committed to maintaining green belts and open spaces, and has set aside multiple parcels for this purpose.
<b>C/OS-5a</b>	Encourage the conservation and preservation of irreplaceable natural resources and open space at former Fort Ord.	Complete/Policies Implemented regularly	The former Fort Ord annexed a large portion of land to the City; much of this land has been preserved as open space.
<b>C/OS-5b</b>	The City shall use open space as a buffer between various types of land use.	Complete/Policies Implemented regularly	The City has several areas designated as open space with the primary purpose to act as buffers, for example the area north of the Airport District is designed as open space to buffer between the Airport and City residential areas.
<b>C/OS-5c</b>	The City shall review each development project in the former Fort Ord annexation area with regard to the need for open space buffers between land uses.	Complete/Policies Implemented regularly	The annexed land from former Fort Ord includes a conservation area which the City is working with the Monterey Regional Park District on.
<b>C/OS-5d</b>	The City shall review each future development project for compatibility with adjacent open space land uses and require that suitable open space buffers are incorporated into the development plan of incompatible land uses as a condition of project approval.	Complete/Policies Implemented regularly	The City Planning Commission considers open space buffers and land use compatibility when reviewing new development. The upcoming RV Park Project has worked with FORTAG (Fort Ord Rec Trail and Greenway). Also, there is a vacant 17 acres in City that they are conserving as open space, and an area was given to native plant society to conserve.
<b>C/OS-5e</b>	The City shall ensure that all habitat conservation and corridor areas identified in the Fort Ord Habitat Management Plan (HMP) are protected from degradation due to development within or adjacent to these areas. This shall be accomplished by assuring that all new development in the Fort Ord Reuse Area adheres to the management requirements of the HMP and the policies of the Fort Ord Reuse Area Plan.	Complete/Policies Implemented regularly	The City has adopted each of the policies in the Fort Ord Reuse Area Plan as part of their General Plan update; this includes compliance with the HMP.
<b>C/OS-5f</b>	The City shall encourage the preservation of small pockets of habitat and populations of special status species within and around developed areas, in	Complete/Policies Implemented	Please see Policy C/OS-5e, above.

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	accordance with the recommendations of the HMP and Fort Ord Reuse Area Plan. This shall be accomplished by requiring project applicants to conduct surveys to verify sensitive species and/or habitats on the site and developing a plan for avoiding or salvaging these resources, where feasible.	regularly	
<b>C/OS-5g</b>	The City shall provide for the protection and mitigation of impacts of wetland areas consistent with applicable state and Federal regulations.	Complete/Policies Implemented regularly	The City Planning Commission ensures all new projects in the City comply with applicable state and Federal regulations.
<b>C/OS-6</b>	The City will encourage the Monterey Regional Parks District to ensure water quality of the Frog Pond, develop and maintain areas of open viewsheds of the Frog Pond along Canyon Del Rey and North/South Road.	Complete/Policies Implemented regularly	The City works closely with Monterey Regional Parks District to ensure the Frog Pond is maintained to ensure the natural riparian habitat is protected while creating a quality viewshed and park resource.
<b>C/OS-7</b>	Maintain the green belt along the Canyon Del Rey drainage way.	Complete/Policies Implemented regularly	Consistent with C/OS-6 above, viewshed of Frog Pond.
<b>C/OS-8</b>	Surface water quality shall be maintained, and areas of ground water recharge kept free of contamination.	Complete/Policies Implemented regularly	The City Planning Commission reviews that these policies are implemented when new development occurs, in addition under CEQA any potential impacts to hydrology/water quality are evaluated and mitigation is required where significant.
<b>C/OS-9</b>	The City should continue to communicate and coordinate with surrounding jurisdictions in preventing channel erosion and siltation in Del Rey Oaks due to increase water runoff from urban development in upland areas.	Complete/Policies Implemented regularly	The City works closely with surrounding jurisdiction to maintain safe conditions for their residents, including preventing channel erosion and siltation due to increased water runoff from urban development in upland areas. In addition under CEQA any potential impacts to hydrology/water quality are evaluated and mitigation is required where significant.
<b>C/OS-10</b>	All lands within 50 feet of an active or potentially active fault lands of 25% slope and above, unstable soil areas and areas subject to periodic flooding should generally be kept free of development until further detailed geotechnical studies prove these lands safe to the City's satisfaction.	Complete/Policies Implemented regularly	The City Planning Commission considers this policy when approving new development projects.
<b>C/OS-11</b>	The City shall work with the appropriate Water Management District to encourage water conservation, retrofitting, education, reclamation and reuse.	Complete/Policies Implemented regularly	City is a part of the Monterey Peninsula Water Management District and implements water conservation projects in collaboration with the Water Management District.
<b>C/OS-12</b>	Water usage and conservation of water will be considered as part of all land use decisions.	Complete/Policies Implemented regularly	The City Planning Commission considers this policy when approving all new development projects.
<b>C/OS-13</b>	The City will encourage the improvement of air quality in Del Rey Oaks and in the	Complete/Policies	Under each project subject to CEQA air quality modeling is

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<i>C/OS-14</i>	region by implementing the measures described in the Monterey Bay Air Quality Management Plan. Such measures include, but are not limited to, measures to reduce dependence on the automobile and encourage the use of alternate modes of transportation such as buses, bicycling and walking.  The City will study the opportunities for the preservation of the Stonehouse building located adjacent to Highway 218 and Highway 68.	Implemented regularly  Complete/Policies Implemented regularly	required, and it is documented how these projects are consistent with Air Quality Management Plans and policies.  Stonehouse has been preserved as a part of Tarp's Roadhouse winery.
<i>C/OS-15</i>	If development of a site uncovers cultural resources, the recommendations of Appendix K, of the Guidelines for Implementation of the California Environmental Quality Act shall be followed for identification, documentation and preservation of the resource.	Complete/Policies Implemented regularly	Under each project subject to CEQA cultural resources are considered, new development is subject to policies specific to Appendix K.
<i>C/OS-16</i>	The City shall document and record data or information relevant to prehistoric and historic cultural resources which may be impacted by proposed development. The accumulation of such data shall act as a tool to assist decision-makers in determinations of the potential development effects to prehistoric and historic resources located within the City.	Complete/Policies Implemented regularly	Under CEQA all new development projects are required to assess impacts to prehistoric and historic cultural resources, in addition projects are required to consult with local Native American tribes.

<b>Noise</b>			
<i>N-1</i>	Strong support shall be given to: a. Proposals for restricting the use of high noise emitting aircraft; b. State and Federal regulations to quiet jet engines; c. Reduction in flight frequency, particularly in the most noise sensitive time periods; d. Maintenance of restrictions on nighttime flights; e. Use of approach and departure flight paths that minimize noise over residential areas of the City; f. Use of the natural terrain, buildings and landscape buffers to shield noise emitted to residential areas; and g. Runway 6-24 should not be used due to noise and safety impacts of nearby residents.	Complete/Policies Implemented regularly	The City works with the airport at the elected, staff, and citizen levels to ensure residents are protected from noise created by the airport. Runway 6-24 has been closed for safety and noise abatement purposes.
<i>N-2</i>	The City shall encourage the Airport District to continue to install a noise monitoring system that will provide information for setting local noise standards and provide a means of evaluating the effectiveness of noise abatement strategies.	Complete/Policies Implemented regularly	The airport has a noise monitoring system and works with the City and citizens for noise attenuation.
<i>N-3</i>	Emphasis shall be placed upon the reduction of noise through administrative and physical techniques, such as cluster zoning, Building Code regulations (soundproofing, acoustical construction techniques), Health Code regulations, City	Complete/Policies Implemented regularly	Under CEQA all new development projects are required to assess impacts to noise and if significant it is required to identify mitigation measures for these impacts, these

**City of Del Rey Oaks  
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<i>N-4</i>	<p>Planning Commission review (acoustical architectural design, acoustical site planning, berms, and landscaping buffers) and Environmental Impact Reporting.</p> <p>Noise/land use compatibility shall be considered impacted if exposed to noise levels on the exterior of a building that exceeds 65 dB, and on the interior of a building exceeds 45 dB.</p>	Complete/Policies Implemented regularly	mitigation measures can be those outlined in this policy.  Noise and land/use compatibility is considered when approving new development.
<i>N-5</i>	<p>Any future improvements to Canyon Del Rey must include noise attenuation measures to ensure that resultant indoor and outdoor noise levels are within recommended acceptable levels for residential land use.</p>	Complete/Policies Implemented regularly	No new development has occurred or is proposed to Canyon del Rey; however as road improvements are planned they would have to include attenuation measures as stated in this policy.
<i>N-6</i>	<p>The City will work with the Monterey Peninsula Airport District to minimize the noise impacts of the proposed increase in airport operations and changes in different types of aircraft will not be supported by the City.</p>	Complete/Policies Implemented regularly	The City works with the airport at the elected, staff and citizen levels to ensure noise attenuation measures are met. Additionally, the small size of the airport limits the size of aircraft capable of landing and taking off.

**CITY OF DEL REY OAKS PLANNING COMMISSION REGULAR MEETING  
CONVENED AT 6:00 P.M. ON WEDNESDAY, MAY 13, 2020 VIA ZOOM  
MEETING**

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**Present:** Chairman Donaldson, Vice Chair Hayworth, Commissioner Jaksha, Commissioner Kreeger, Commissioner Hallock 6:15pm and Commissioner Burton 6:10pm.

**Absent:** None

**Also present:** City Manager Pick and Deputy City Clerk Minami

Meeting came to order at 6:05 p.m. and roll call was taken.

**CONSENT AGENDA:**

**Motion to approve:** *Commissioner Jaksha*

**Second:** *Commissioner Kreeger*

**Public Comment:** *None*

**Vote:** *Approved 5-0*

**PUBLIC COMMENT:**

*None*

**REPORTS:**

**Commission Jaksha:** Status of 1007 Paloma?

**Deputy City Clerk Minami:** No response to expired permit letter, it's been referred to Building Official.

**Accepted**

**NEW BUSINESS:**

A. Swearing in of newly appointed Planning Commissioner-Denise Wood

**Chairman Donaldson:** Even before the "shelter in place" oath of office was performed on video or over the phone. Reads the Oath of Office and asks Denise Wood to repeat. She is sworn in as Planning Commissioner Wood.

*Commission Burton entered Zoom meeting*

B. Approval of the Annual Progress Report for the General Plan Update-City Manager Pick

**City Manager Pick:** Receiving comments tonight. Next this item will go to City Council

**Planning Commissioner Jaksha:** Looks good but complicated.

**Planning Commissioner Hayworth:** Level of Service?

**City Manager Pick:** The State is moving to VMT rather than Level of Service.

*Planning Commission Hallock entered the Zoom meeting*

**Planning Commissioner Hallock:** Thanked Denise Duffy and her team. VMT rather than level of service is the norm for 2020.

**Planning Commissioner Kreeger:** Enjoyed reading it, thanks. What happens with FORA going away? Doesn't the Airport have a noise monitor system, wants to see the results. CONA issues with flooding refers to S.6. Residents complain and nothing happens.

**City Manager Pick:** City Council and Planning Commission will have many opportunities to hear these items. The FORA deeds carry certain restrictions. Relates to environmental review. Will be tested when other Cities do other building.

**Planning Commissioner Wood:** Will underground utilities happen in her lifetime? The Parks district maintains Frog Pond, not the City of Monterey.

**City Manager Pick:** The challenge is financial. Correct.

**Planning Commissioner Wood:** It is very expensive.

**Planning Commissioner Burton:** S.W.A.T., 66 items should connect. Why not more priorities to the General Plan.

**City Manager Pick:** The General Plan looks to future decades to guide over time. The Housing Element update is different priorities for housing, ADU's, Emergency Shelter ordinance. Other areas haven't been updated yet. The S.W.A.T. analyses is done twice a year at the Strategic Planning Sessions and they tie it back to the General Plan. If the Commission and Council would like to include the 66 items it will require able resources, target dates, and who is getting it done. General Plan was written 30 years ago, it stands up. More resources now than ever. The General Plan doesn't specify who will do the work and when it will be done. That is where the Strategic Planning Sessions come into the picture.

**Chairman Donaldson:** The General Plan is critical and needs citizen input and feedback. Items need to be put on the agenda, vetted and shaped by citizens. C.10-C.15 will help shape FORTAG. C.17 Airport section has weathered the test of time. Noise level will be addressed during the EIR.

**PUBLIC COMMENT:**

**Kim Shirley:** Points out a few typos. Wants PS-1 clearer. 17 acres is zoned as open space and should be included in the zoning. Wants the creek mentioned in C/OS-4, proud of the creek. Attends the Airport meeting and asks if City Manager ever attends. Regarding N-6, the big planes are still a problem, but the small general aviation is better now. L-5 doesn't make sense, doesn't feel there is a connection between the Airport and the City. Thanks Mayor Kerr for getting volunteers involved, refers to L-16.

**Karen Harris:** Grateful to the City for public to share in this exercise. It doesn't address development on Ft Ord, if this document guides us, then we need to deal with Ft. Ord.

**PUBLIN COMMENT CLOSED**

**Chairman Donaldson:** The General Plan is a tool during the process. The public will have a voice during any conversation about development on Ft. Ord. Any project will be on an agenda and get maximum opportunities for public input.

**Commissioner Kreeger:** Is there an issue with time, can we hear it again with changes? When did we as a City decide about values, is this from the Strategic Planning Session? Why aren't those meetings held so more residents can attend?

**City Manager Pick:** We are in good shape for time. All of the changes will be implemented and then this report goes to City Council. Commissions may address the Council at the meeting. It's an important document, but it's an annual report. Also working with DDA and Chairman Donaldson to look at GP updates, as needed.

**Commissioner Kreeger:** The sign ordinance took a long time.

**City Manager Pick:** That is a law, this is a report. This document will guide us. The Community Facilities Agreement will be heard on the next City Council Meeting. It's huge help for residents to go to the Airport meetings.

**Motion to approve item 7.B.,** and to allow staff time to notate comments and recommendations on the Annual Progress Report for the General Plan Update, before it goes to City Council:

<b>Second:</b>	<i>Commissioner Jaksha</i>
<b>Public Comment:</b>	<i>Commissioner Hayworth</i>
<b>Vote:</b>	<i>None</i>
	<i>7-0</i>
	<i>Motion passes</i>

**COMMISSIONER REPORTS:**

**Commissioner Jaksha:** No wonder the Airport won't work with us, because of the no road signs. We all of the bend a little.

**7:15 p.m., Adjourned to next meeting date June 10, 2020 at 6:00 pm.**

**Attest:**

**Date:**

\_\_\_\_\_

\_\_\_\_\_

DRAFT



# CITY OF DEL REY OAKS

## Staff Report

**DATE:** June 2, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Danial D. Pick, City Manager

**SUBJECT:** Resolution to Approve GreenWaste Recovery Rate Schedule for 2020-2021

**CEQA:** This action does not constitute a project within the meaning of Section 15378(a) of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. If this action is found to be a project under CEQA, it is exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

### Recommendation

Adopt Resolution 2020-11 approving the 2020-21 GreenWaste rate schedule for Del Rey Oaks, which includes a total increase of 2.4% to the maximum rates authorized to be charged by GreenWaste Recovery effective July 1, 2020 for all single-family residential services, commercial solid waste, recycling and organics services, and roll-off services.

### Background

The City of Del Rey Oaks (City) entered into a Franchise Agreement with GreenWaste Recovery, Inc. (GWR) on June 24, 2014 for solid waste, recycling, and organics collection services for the period of May 1, 2015 through June 30, 2030. Section 8.2 of the Franchise Agreement requires, and Exhibit E1 to the Franchise Agreement describes the process for, an annual inflationary adjustment to maximum customer rates on July 1 of each year, based on agreed-upon cost indices, changes in tipping fees at the Monterey Regional Waste Management District, and the actual tonnage of materials collected by GWR.

### Summary & Discussion

The application of the formulas required by the Franchise Agreement result in different rate increases for each and every service level, and consistent with the provisions of Section 8.2.C of the Franchise Agreement, both the City and GWR have agreed on an alternative approach that adjusts rates by the same percentage for all customers thereby preserving the current relationship and structure of the rates to one another.

On May 11, 2018 HF&H Consultants, contracted by Monterey Regional Waste Management District (MRWMD), provided an independent analysis (Attachment 1) of GreenWaste Recovery's 2020-21 Rate Request and found that an increase of maximum fees by 2.40% was not unreasonable. GreenWaste Recovery's Del Rey Oaks rates for 2020-21 are listed on Attachment 2.

## **Fiscal Impacts**

There is no fiscal impact of this decision to the City of Del Rey Oaks. The impact will be borne by rate payers.

## **Recommended Action**

Adopt Resolution 2020-11 approving the 2020-21 GreenWaste rate schedule for Del Rey Oaks, which includes a total increase of 2.40% to the maximum rates to be charged by GreenWaste Recovery effective July 1, 2020 for collection of franchised solid waste, recycling and organics.

Respectfully Submitted,

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Dino Pick  
City Manager

## **ATTACHMENTS:**

1. HF&H Consultants Review of GreenWaste Recovery's 2020-21 Rate Request
2. Del Rey Oaks 2020-21 Rate Schedule
3. Resolution 2020-11

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Robert C. Hilton, CMC

May 26, 2020

Mr. Dino Pick  
City Manager  
City of Del Rey Oaks

*Sent via E-mail*

**Subject: Review of GreenWaste Recovery's 2020/21 Rate Request**

*Reference Number: S5051*

Dear Mr. Pick:

HF&H Consultants, LLC (HF&H) was retained by the City to assist with a review of a Cost Based Rate Adjustment (CBRA) of GreenWaste Recovery (GWR) intended to result in an adjustment to customer rates, effective July 1, 2019 (Rate Period 5). Due to delays in the submittal of the CBRA, the findings of the CBRA were to be included with the index based rate adjustment (which the Monterey Regional Waste Management District (District) has retained HF&H to perform annually) for the City of Del Rey Oaks (City) with rates to be adjusted July 1, 2020 (Rate Period 6). This report presents our findings and recommendations.

## **EXECUTIVE SUMMARY**

HF&H's review of GWR's Rate Period 5 and 6 rate requests to the City and subsequent negotiations with GWR related to those rate requests result in the following outcomes:

1. A 0.61% increase (the result of a \$2,855 shortfall in revenues) to rates as calculated in the CBRA for Rate Period 5. Due to GWR's late triggering and submittal of the CBRA for Rate Period 5, HF&H recommends that the City not apply any rate adjustment to Rate Period 5 and instead make the CBRA effective with Rate Period 6 (July 1, 2020) in combination with the index-based adjustment.
2. A proposed amendment to the franchise agreement. This amendment memorializes the negotiated revisions to costs and services resulting from the CBRA. The most significant elements of the amendment relate to: 1) adding staffing with GWR to support the City's compliance with AB 341, AB 1826, and SB 1383 reporting; and, 2) revising the index based rate adjustment methodology to formally correct mechanical issues in Exhibit E1.
3. A 1.78% increase (the result of an \$8,355 shortfall in revenues) to rates as calculated in the amended Exhibit E1 and incorporating the anticipated recycling and disposal rate adjustments at the District.

Mr. Dino Pick  
 May 26, 2020  
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4. A cumulative 2.40% increase to rates when accumulating and compounding the effects of #1 and #3 above. The table below illustrates an example of a common current rate (established for Rate Period 4) and the adjustment of that rate through Rate Periods 5 and 6.

**Figure 1 – Example Rate Impact of Adjustment**

<b>Del Rey Oaks Rate Adjustments</b>				
	<b>Current Rates (RP 4)</b>	<b>RP5</b>	<b>RP6</b>	<b>Total Change</b>
<b>Adjustment</b>	N/A	0.61%	1.78%	2.40%
<b>Residential 32-gallon rate</b>	\$ 28.44	\$ 28.61	\$ 29.12	\$ 0.68

## **BACKGROUND**

In 2012, the City, participating with other members of the District, issued a competitive request for proposals for collection services and entered into the new agreement with GWR effective July 1, 2015. The agreement provides for the following, related to the adjustment of rates:

- Rates are to be adjusted annually throughout the term of the agreement, using various inflationary indices, actual tonnage, and changes in the tipping fees at the District, unless either the City or GWR request a CBRA.
- The City and GWR may mutually agree upon alternative approaches to structuring rates without amendment to the agreement (Section 8.2.D).
- On March 8, 2019 a CBRA was triggered for the City by GWR. By this date CBRA's had been triggered for all of the District's Peninsula Cities served by GWR.
- Delays in the submittal of the cost based rate adjustment and required supporting documentation caused a delay in setting rates for FY 2019/2020 (RP5), resulting in the combining of CBRA and the scheduled index based rate adjustment effective July 1, 2020.
- The CBRA resulted in a 0.61% increase, details of which can be seen as Attachment A.
- During the CBRA review, a number of issues surrounding the process for setting rates and the resulting rate relationships amongst sectors and materials was identified. As such the City and GWR have negotiated an amendment to the prescribed methodology for the CBRA and index adjustments so as to not alter rate relationships between service sectors and material types.
- Through negotiations of the amendment, as a result of the desire to maintain current rate relationships between sectors and service levels, the City and GWR have prescribed a uniform rate adjustment to be applied to all sectors.

Mr. Dino Pick  
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- The results of the CBRA indicate a required 0.61% increase in rates needed to adequately compensate GWR for the services provided to the City which serves as the basis on which RP6 compensation is calculated.

## **RATE CALCULATION REVIEW**

### **HF&H Scope of Work**

HF&H performed this review of the rate request in accordance with Exhibit E1 (for the index based rate adjustment). These procedures included:

1. A review of the rate request for completeness and compliance with the procedures contained in Exhibit E1 of the Agreement based on the results of the CBRA.
2. A review for mathematical accuracy and logical consistency to determine that the rate request is mathematically correct, that the rows and columns of numbers add down and across as intended, and that the stated assumptions were, in fact, used. Also, to determine that the rate request is internally consistent and that any summary schedules agree to the supporting schedules and worksheets.
3. Verification of the inclusion of the franchise fee calculation in the adjustment.
4. Verifying contract compliance with regard to:
  - A) The indices used in the adjustment;
  - B) The tip fees reported for the disposal/processing components of the rates;
  - C) The use of quarterly-reported tonnage data and allocations among agencies. A detailed audit of tonnage and allocations of tonnage reported by GWR was not a part of this scope of work. HF&H discussed GWR's allocation methodology with them and the methodology appears reasonable and consistent with standard practices within the industry.
  - D) Any changes in governmental fees on the fee component of the rates; and, the accurate application of the resultant percentage changes in the various rate components to the rate schedules approved by each agency through the franchise agreements.

### **Review of Rate Request**

#### **Rate Period 6 Application**

As part of the negotiations of revised Amendment 1, HF&H prepared the rate application for RP6 after the results of RP5 were determined. These were reviewed by GWR's controller and CFO, and were approved as being in alignment with Amendment 1. The results of the CBRA can be seen in RP5 and the resulting calculation of RP6 per methodology of Exhibit E1 of the amendment can be seen in the table below.

Mr. Dino Pick  
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**Figure 2 - Application of Index Based Adjustments to RP5**

	Rate Period Five	Adjustment Factor	Rate Period Six
<b>Annual Cost of Operations</b>			
Labor-Related Costs	\$ 39,851	1.02669	\$ 40,915
Vehicle-Related Costs	\$ 10,979	1.03155	\$ 11,326
Fuel Costs	\$ 7,957	1	\$ 7,957
Other Costs	\$ 69,078	1.03155	\$ 71,258
Direct Depreciation	\$ 29,065	N.A.	\$ 29,065
Total Allocated Costs - Labor, Vehicle, Fuel & Other	\$ 71,131.79	1.03155	\$ 73,376
Total Allocated Costs - Depreciation & Start-Up	\$ 8,391	N.A.	\$ 8,391
<b>Total Annual Cost of Operations</b>	\$ 236,454	N.A.	\$ 242,288
<b>Profit</b>	\$ 28,332	OR=89.30	\$ 29,031
<b>Pass-Through Costs</b>			
Disposal Costs	\$ 56,634	Tons*Tip Fee	\$ 57,117
Curbside Supplemental	\$ (1,367)	1.00	\$ (1,367)
Recycling Processing Costs	\$ -	Tons*Tip Fee	\$ 11,527
Residue Processing Costs	\$ -	Tons*Tip Fee	\$ 1,590
Yard Trimmings Processing Costs	\$ 11,123	Tons*Tip Fee	\$ 15,742
Food Waste Processing Costs	\$ 1,533	Tons*Tip Fee	\$ 4,679
C&D Processing Costs	\$ 709	Tons*Tip Fee	\$ 397
Interest Expense	\$ 9,307	N.A.	\$ 9,307
Total Allocated Costs - Lease	\$ 7,536	N.A.	\$ 7,536
<b>Total Pass-Through Costs</b>	\$ 85,475	N.A.	\$ 106,528
<b>Total Costs before Agency Fees</b>	\$ 350,261	N.A.	\$ 377,847
<b>Agency Fees/Payments</b>			
Franchise Fee	\$ 93,815	20.00%	\$ 95,486
Rate Application Review Costs	\$ 25,000	Actual	\$ 2,500
<b>Other Adjustments (as needed from time to time)</b>			
Residue Processing Costs (Back Pay for 2019-2020)	\$ -	N.A.	\$ 961
Mailer	\$ -	N.A.	\$ 637
<b>Total Calculated Costs</b>	\$ 469,076		\$ 477,431
<b>Prior Year Revenue</b>	\$ 466,222		\$ 469,076
<b>Surplus/(Shortfall)</b>	\$ (2,855)		\$ (8,355)
<b>Increase/Decrease</b>	0.61%		1.8%

Mr. Dino Pick  
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**Review of GWR Costs**

There are three major components to GWR's rate application: 1) calculation and application of the inflationary indexes as prescribed in the Agreement; 2) the disposal and/or processing component; and, 3) the Agency Fee.

There are three indexes used in the index adjustment; CPI, the fuel index, and the labor index. The annual percent change in each of the indices is used to calculate the coming years projected cost for the line items to which these indexes are applied.

HF&H has reviewed and GWR has confirmed the accuracy of each of these indexes, and notes that the fuel index remains unchanged, as reported by management staff at the District.

**Review of Disposal/Processing Component**

Calendar year 2018 collected tons were used for the Rate Period 5 review, and calendar year 2019 collected tons were used for the Rate Period 6 review in accordance with the amendment. The disposal and processing components also consider the tipping fees charged by the District in order to project anticipated disposal and processing costs at the District. At the time of this writing, District staff has presented proposed tip fee increases, which have been recommended by the District's Finance Committee and will be considered by the Board of Directors in May or June. The following table describes the changes in the City's disposal and processing costs for each material type based on the proposed tip fees at the District which have been incorporated into our RP6 review.

**Figure 3 - Impact of District Tip Fee Changes**

	2018 Tons	Current Per Ton Tip Fee	Rate Period 5 Costs	2019 Tons	Projected Per Ton Tip Fee	Rate Period 6 Costs
	A	B	AxB	C	D	CxD
Solid Waste	913	\$ 62.00	\$ 56,634	877	\$ 65.10	\$ 57,117
Recycling	294	\$ -	\$ -	288	\$ 40.00	\$ 11,527
Yard Trimmings	278	\$ 40.00	\$ 11,123	375	\$ 42.00	\$ 15,742
Food Waste	28	\$ 54.00	\$ 1,533	83	\$ 56.70	\$ 4,679
C&D*	13	\$ 54.88	\$ 709	7	\$ 57.63	\$ 397

\*The C&D per ton tip fee reflects an average weighted cost for multiple types of C&D materials.

**Review of Fee Component**

The final step of the rate adjustment process is to ensure that the fee component of each rate matches the contractual percentage of 20% for franchise fees remitted to the City by GWR.

**New Rates**

Attached hereto is a table of all new rates recommended for RP6 based on the adjustments described in this memo (Attachment B). HF&H recommends adopting these rates by resolution to be effective July 1, 2020.

Mr. Dino Pick  
May 26, 2020  
Page 6 of 6

\* \* \* \* \*

We would like to express our appreciation to GWR staff for their assistance and cooperation in this process. Should you have any questions, please call me at 925/977-6959 or [rchilton@hfh-consultants.com](mailto:rchilton@hfh-consultants.com).

Very truly yours,  
HF&H CONSULTANTS, LLC

Rob Hilton  
President

## Attachment A

<b>Del Rey Oaks RP 5 Adjusted Compensation</b>	
<b>2017-2018 Costs per Trial Balance</b>	<b>\$ 390,062</b>
<b>Labor Adjustments</b>	
CPI Adjustment	5,144
G&A Allocation	(1,829)
Vehicle Maintenance Allocation	(6,854)
Direct Labor Allocation	(9,223)
<b>Vehicle-Related Adjustments</b>	
CPI Adjustment	1,240
G&A Allocation	(12)
Vehicle Maintenance Allocation	(4,707)
Direct Cost Allocation	(8,188)
<b>Fuel Adjustments</b>	
G&A Allocation	(58)
Vehicle Maintenance Allocation	(4)
Adjustment to TB - Direct	(2,207)
Adjustment to TB - G&A	(104)
Non-Allowable Driver Hours	
<b>Other Adjustments</b>	
CPI Adjustment	6,276
Damages/Penalties	(61)
Damages/Penalties	(205)
Donations	(125)
SCC Professional Services	(62)
G&A Allocation	(525)
Vehicle Maintenance Allocation	(283)
<b>Depreciation Adjustments</b>	
Direct	(70)
Allocated	7,596
<b>Profit Adjustments</b>	
Inclusion of Profit (before Adjustments)	30,041
Profit due to Adjustments above	(1,709)
<b>Pass-through Cost Adjustments</b>	
Disposal	(124)
Processing	13,365
Recycling Revenues	11,079
Interest Expense	9,307
Allocated Lease Costs	864
<b>Agency Fee Adjustments</b>	
Franchise Fee	5,453
Rate Application Review Costs	25,000
<b>RP 5 Forecasted Costs</b>	<b>\$ 469,076</b>
<b>Current Revenue</b>	<b>466,222</b>
<b>Surplus/(Shortfall)</b>	<b>\$ (2,855)</b>
<b>Required Percentage Increase</b>	<b>0.61%</b>

Attachment B

City of Del Rey Oaks Rates Effective July 1, 2020

<b>Residential Solid Waste Collection Rates</b>			
Service Level	Solid Waste	Recycling	Organics
Curbside 32 Gallon	\$29.12	Included	Included
Curbside 64 Gallon	\$32.15	Included	Included
Curbside 96 Gallon	\$35.17	Included	Included
Notes: See Exhibit B1 for specific service availability			

<b>Commercial/Multi-Family Solid Waste Collection Rates</b>						
Service Level	Frequency					
	1x/week	2x/week	3x/week	4x/week	5x/week	6x/week
64-Gallon Cart	\$47.60	\$104.71	\$157.07	\$209.42	\$261.78	\$314.13
96-Gallon Cart	\$57.47	\$114.94	\$189.66	\$252.87	\$316.09	\$379.31
1-Cubic Yard Bin	\$180.86	\$397.90	\$596.85	\$795.80	\$994.76	\$1,193.71
2-Cubic Yard Bin	\$304.26	\$558.35	\$817.86	\$1,338.73	\$1,673.42	\$2,008.10
3-Cubic Yard Bin	\$459.03	\$813.10	\$1,168.01	\$2,019.75	\$2,524.69	\$3,029.62
4-Cubic Yard Bin	\$522.03	\$1,065.74	\$1,887.93	\$2,296.93	\$2,871.16	\$3,445.39
6-Cubic Yard Bin	\$808.34	\$1,778.35	\$2,667.53	\$3,556.71	\$4,445.88	\$5,335.06
8-Cubic Yard Bin	\$1,060.98	\$2,121.97	\$3,182.95	\$4,243.93	\$5,304.92	\$6,365.90
2-Cubic Yard Compactor	\$338.20	\$626.23	\$919.68	n/a	n/a	n/a
3-Cubic Yard Compactor	\$509.95	\$914.92	\$1,320.74	n/a	n/a	n/a
4-Cubic Yard Compactor	\$589.91	\$1,201.51	\$2,091.58	n/a	n/a	n/a

<b>Commercial/Multi-Family Recycling Collection Rates</b>						
Service Level	Frequency					
	1x/week	2x/week	3x/week	4x/week	5x/week	6x/week
64-Gallon Cart	\$7.14	\$15.71	\$23.56	\$31.41	\$39.27	\$47.12
96-Gallon Cart	\$8.62	\$17.24	\$28.45	\$37.93	\$47.41	\$56.90
1-Cubic Yard Bin	\$27.13	\$59.69	\$89.53	\$119.37	\$149.21	\$179.06
2-Cubic Yard Bin	\$45.64	\$83.75	\$122.68	\$200.81	\$251.01	\$301.22
3-Cubic Yard Bin	\$68.86	\$121.97	\$175.20	\$302.96	\$378.70	\$454.44
4-Cubic Yard Bin	\$78.30	\$159.86	\$283.19	\$344.54	\$430.67	\$516.81
6-Cubic Yard Bin	\$121.25	\$266.75	\$400.13	\$533.51	\$666.88	\$800.26
8-Cubic Yard Bin	\$159.15	\$318.29	\$477.44	\$636.59	\$795.74	\$954.88
2-Cubic Yard Compactor	\$31.45	\$55.38	\$80.13	n/a	n/a	n/a
3-Cubic Yard Compactor	\$47.58	\$79.41	\$111.37	n/a	n/a	n/a
4-Cubic Yard Compactor	\$49.94	\$103.13	\$198.09	n/a	n/a	n/a

<b>Commercial/Multi-Family Food Waste Collection Rates</b>						
Service Level	Frequency					
	1x/week	2x/week	3x/week	4x/week	5x/week	6x/week
64-Gallon Cart	\$35.70	\$78.53	\$117.80	\$157.07	\$196.33	\$235.60
96-Gallon Cart	\$43.10	\$86.21	\$142.24	\$189.66	\$237.07	\$284.48
1-Cubic Yard Bin	\$135.65	\$298.43	\$447.64	\$596.85	\$746.07	\$895.28
2-Cubic Yard Bin	\$228.19	\$418.76	\$613.40	\$1,004.05	\$1,255.06	\$1,506.08

Attachment B  
City of Del Rey Oaks Rates Effective July 1, 2020

<b>Commercial/Multi-Family Yard Trimmings Collection Rates</b>						
	<b>Frequency</b>					
<b>Service Level</b>	<b>1x/week</b>	<b>2x/week</b>	<b>3x/week</b>	<b>4x/week</b>	<b>5x/week</b>	<b>6x/week</b>
64-Gallon Cart	\$35.70	\$78.53	\$117.80	\$157.07	\$196.33	\$235.60
96-Gallon Cart	\$43.10	\$86.21	\$142.24	\$189.66	\$237.07	\$284.48
1-Cubic Yard Bin	\$135.65	\$298.43	\$447.64	\$596.85	\$746.07	\$895.28
2-Cubic Yard Bin	\$228.19	\$418.76	\$613.40	\$1,004.05	\$1,255.06	\$1,506.08
3-Cubic Yard Bin	\$326.99	\$579.20	\$832.01	\$1,438.73	\$1,798.42	\$2,158.10
4-Cubic Yard Bin	\$371.86	\$759.16	\$1,344.84	\$1,636.18	\$2,045.22	\$2,454.27
6-Cubic Yard Bin	\$575.81	\$1,266.78	\$1,900.17	\$2,533.56	\$3,166.95	\$3,800.34
8-Cubic Yard Bin	\$755.77	\$1,511.55	\$2,267.32	\$3,023.09	\$3,778.87	\$4,534.64

<b>Roll-Off Collection Rates (Per Pull)</b>				
	<b>Material</b>			
<b>Service Level</b>	<b>MSW</b>	<b>REC</b>	<b>YT</b>	<b>C&amp;D</b>
10 YD	\$655.68	\$655.68	\$655.68	\$655.68
20 YD	\$719.69	\$719.69	\$719.69	\$719.69
30 YD	\$940.90	\$940.90	\$940.90	\$940.90
40 YD	\$1,162.11	\$1,162.11	\$1,162.11	\$1,162.11
Per Ton	\$81.38	\$50.00	\$52.50	\$72.04

<b>Additional Service Rates</b>		
<b>Service</b>	<b>Sector</b>	<b>Charge Per Event</b>
Cart Rental	RES	\$3.35
Cart Replacement	RES	\$67.07
Re-Delivery or Re-Start	RES	\$27.95
Cart Cleaning	RES	\$27.95
Non-Scheduled Collection	RES	\$21.24
Difficult to Service Cart	COM	\$1.12
Difficult to Service Bin	COM	\$3.35
Locking Bin	COM	\$55.90
Cart Replacement	COM	\$67.07
Cart Cleaning	COM	\$27.95
Bin Swap- Cleaning or Repainting	COM	\$83.84
Bulky - Recyclable	COM/RES	\$22.36
Bulky - Non Recyclable	COM/RES	\$27.95
Bulky - Event	COM/RES	\$33.54
Covered Box	RO	\$83.84
Driver Time per Hour	RO	\$122.97
Dry Run or Relocation	RO	\$83.84
Extra Days	RO	\$27.95

\*Note: All rates charged monthly unless stated otherwise.

**RESOLUTION No. 2020-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS  
APPROVING MAXIMUM RATES TO BE CHARGED BY GREENWASTE RECOVERY  
EFFECTIVE JULY 1, 2020  
FOR COLLECTION OF FRANCHISED SOLID WASTE, RECYCLING, AND ORGANICS**

WHEREAS, the City of Del Rey Oaks (City) entered into a Franchise Agreement with GreenWaste Recovery, Inc. (GWR) on June 24, 2014 for solid waste, recycling, and organics collection services for the period of May 1, 2015 through June 30, 2030; and,

WHEREAS, Section 8.2 of the Franchise Agreement requires, and Exhibit E1 to the Franchise Agreement describes the process for, an annual inflationary adjustment to maximum customer rates on July 1 of each year, based on agreed-upon cost indices, changes in tipping fees at the Monterey Regional Waste Management District, and the actual tonnage of materials collected by GWR; and,

WHEREAS, the application of the formulas required by the Franchise Agreement result in different rate increases for each and every service level; and,

WHEREAS, consistent with the provisions of Section 8.2.C of the Franchise Agreement, both the City and GWR have agreed on an alternative approach that adjusts rates by the same percentage for all customers thereby preserving the current relationship and structure of the rates to one another; and,

WHEREAS, on May 26, 2020 HF&H Consulting provided an independent analysis of GreenWaste Recovery's 2020-21 Rate Request and found that an increase of maximum fees by 2.40% was not unreasonable.

NOW THEREFORE, the City Council of the City of Del Rey Oaks hereby resolves to approve the 2020-21 GreenWaste rate schedule for Del Rey Oaks, which includes a total increase of 2.40% to the maximum rates authorized to be charged by GWR under the franchise agreement, effective July 1, 2020, for all single-family residential services, commercial solid waste, recycling, and organics services, and roll-off services.

PASSED AND ADOPTED by the City Council of the City of Del Rey Oaks, California, this 2<sup>nd</sup> day of June, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

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Alison Kerr, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Danial D. Pick, City Clerk

\_\_\_\_\_  
Alex Lorca, City Attorney



# CITY OF DEL REY OAKS

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## Staff Report

**DATE:** June 2, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Danial D. Pick, City Manager

**SUBJECT:** Reconsider a first reading of an Ordinance to amend Section 17.59 of the City of Del Rey Oaks Municipal Code relating to signs.

**CEQA:** This action does not constitute a project within the meaning of Section 15378(a) of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. If this action is found to be a project under CEQA, it is exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

### Recommendation

Reconsider a first reading of an ordinance to amend Chapter 17.59 of the City of Del Rey Oaks Municipal Code (DROMC) relating to signs.

### Summary & Discussion

At its April 2020 regular meeting, Council approved the first reading of an ordinance to revise DROMC Chapter 17.59 relating to signs.

Subsequent to the April Council meeting, staff became aware that, with respect to the issue of temporary signs, the motion to approve the first reading was understood differently amongst Councilmembers.

Some Councilmembers understood the motion to strike the sentence, "Temporary signs are not usable and therefore may not be used for more than forty-five (45) days" from the definition of "Temporary Signs." Others understood the motion to strike *all* references to temporary signs.

Staff now presents the two "versions" of the Ordinance as understood by different Councilmembers:

Option "A." Option A presents an ordinance in which the sentence, "Temporary signs are not durable and therefore may not be used for more than forty-five (45) days" is stricken from the definition of "Temporary Signs" in DROMC section 17.59.150.

Option "B." Option B presents an ordinance in which all references to temporary signs have been stricken.

Note that both Options collapse the sign categories for Awning, Marquee, and Canopy signs, as per Council direction.

Also, both Options show changes to the *existing* Sign Ordinance.

Finally, Staff wishes to clarify a misinterpretation persistent during the discussion of the Sign Ordinance at the April Council meeting: an "Ancillary Information Sign" is not necessarily a temporary sign.

**Fiscal Impacts**

None.

**Recommended Action**

Conduct a first reading of an ordinance to amend Chapter 17.59 of the DROMC relating to signs.

**ATTACHMENTS:**

Ordinance

Respectfully Submitted,

---

Danial Pick  
City Manager

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS,  
CALIFORNIA, AMENDING CHAPTER 17.59 "SIGNS" OF THE DEL REY OAKS  
MUNICIPAL CODE**

**WHEREAS**, the City's sign ordinance is over 20 years old;

**WHEREAS**, amendments to the sign ordinance are necessary to clarify the language therein, as well as to bring the ordinance up to date; and

**WHEREAS**, enactment of this ordinance is not subject to the California Environmental Quality Act (CEQA) as it is not a project pursuant to Guidelines Section 15378 because it has no potential for resulting in physical change to the environment directly or indirectly. If this action is found to be a project under CEQA, it is exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Del Rey Oaks, California as follows:

**SECTION 1.** The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

**SECTION 2.** The text set forth in existing Chapter 17.59 of the Del Rey Oaks Municipal Code entitled, "Signs" shall be amended by the addition of all text shown in bold, italic underscored text (***bold, italic***), and deletion by strikethrough (~~strikethrough~~) as follows:

**CHAPTER 17.59 – SIGNS**

**17.59.010 - Purpose and intent.**

It is the purpose and intent of this Chapter to provide the City of Del Rey Oaks with a viable and practical set of sign regulations that will: promote the orderly growth of the community; facilitate the continual upgrading of the community; preserve the natural beauty of Del Rey Oaks while simultaneously protecting the rights of property and business owners to display signs and the right of individuals to live, work and visit a city that is free from the usual blight that would result from under-**regulation** or non-regulation of signs.

These sign regulations, pursuant to the provisions of the Del Rey Oaks General Plan, set forth the minimum acceptable standards necessary to protect and safeguard the life, peace, health, safety, property and general welfare of the public by regulating among other things the

location, placement, size, number, area, type, illumination and maintenance of signs and sign structures.

In addition to the standards specified above, it is hereby set forth that a primary goal of these regulations shall be to insure that signs and sign structures are considered in light of the architectural and landscape design of the buildings and properties along with individual setting or location of the buildings and properties; and to avoid visual clutter and out of scale impacts.

**17.59.020 - Application.**

No sign shall be placed, displayed, painted, posted, printed, tacked, fastened, erected, relocated, **or** constructed ~~or otherwise~~ except as provided in this Chapter.

**17.59.030 - Responsibility.**

It shall be the sole responsibility of the person making application to place, construct, erect, alter, relocate, tack, fasten, paint, post or display any sign in the City of Del Rey Oaks to obtain the necessary authorization from the owner or lessee of the property.

**17.59.040 - Planning commission approval required.**

Planning Commission approval shall be required of all signs unless otherwise specified in this Chapter. A fee shall be collected by the City Clerk prior to consideration of any sign by the Planning Commission. The fee shall be established from time to time by Resolution of the City Council.

In order to facilitate the Planning Commission approval process, any person seeking to obtain Planning Commission approval shall submit accurate plans, scale drawings, color boards, examples of materials or any such other information specified by the City Manager showing the size, shape, location, color, materials and physical relationship to the site of the sign and sign structure. Any decision of the Planning Commission may be appealed, in writing, to the City Council within 20 days of the decision.

During the course of review and approval, the Planning Commission or the City Council on appeal may approve, disapprove, conditionally approve, or modify the plans as submitted in order to insure compliance with the spirit and intent of this Chapter.

**17.59.050 - Sign permit required.**

In order to insure that the Planning Commission is provided with an opportunity to review the placement, construction, erection, relocation or alteration of any and all signs in the City of Del Rey Oaks, it is required, unless otherwise specified herein, that a sign permit shall be obtained from the City Clerk prior to the placement, construction, relocation, alteration or otherwise erection of the sign.

Any person seeking to obtain a sign permit shall provide the City Clerk with any and all necessary detailed plans, scale drawings or other materials and samples or information required by the City Clerk along with written evidence that Planning Commission approval has been obtained for the sign. Following a review of the materials and design submitted, the City Clerk may issue the sign permit or, if appropriate shall, require that a Building Permit be obtained pursuant to the provisions of the Uniform Building Code (UBC) in lieu of a sign permit. A fee shall be collected by the City Clerk prior to the issuance of any sign or building permit. The fee shall be the same as for a minor use permit and shall be established from time to time by Resolution of the City Council. The fee for a building permit shall be as specified in the **City's Master Fee Schedule**. UBC.

#### **17.59.060 - Enforcement.**

The regulations contained in this Chapter shall be enforced as are other zoning, building and safety regulations as set forth in the Del Rey Oaks Municipal Code, **which may include, without limitation, enforcement pursuant to Chapters 1.16 and 1.19.**

**Any sign not in compliance with this Chapter is hereby declared to be a public nuisance and may be abated pursuant to the provisions of Sections 8.28.050 through 8.28.200, or pursuant to state law.**

**Each sign installed, created, erected, or maintained in violation of this Chapter shall be considered a separate violation.**

#### **17.59.070 - Remedies.**

Notwithstanding, the procedures for enforcement set forth in the Del Rey Oaks Municipal Code, the City of Del Rey Oaks is hereby authorized to **enforce this Chapter** ~~proceed~~ in any other fashion, way, or procedure permitted by law.

#### **17.59.080 - Exemptions.**

The provisions and regulations of this Chapter shall not apply to the following signs **should the stated conditions be met. However, the following signs shall be subject to all safety provisions contained in this Chapter. Should the stated conditions not be met, Planning Commission review and a sign permit are required.** ~~provided, however, that the following signs shall be subject to all safety provisions contained in this Chapter:~~

- ~~A. Official signs and notices, public utility signs, public directional signs;~~
- ~~B. Professional nameplates not exceeding three square feet in area;~~
- ~~C. Temporary (30-day) signs of a directional nature approved by the City Manager;~~
- ~~D. Emergency, public service or other temporary (30-day) non-advertising signs as approved by the City Council;~~

- ~~E. Memorial signs on tablets, names and dates of buildings when cut into any masonry surface or when flush mounted and constructed of bronze or other noncombustible materials;~~
- ~~F. Freestanding mailboxes designating the name and address of the person serviced by the mailbox;~~
- ~~G. Signs placed by the City of Del Rey Oaks.~~

<b><i>Exempt Sign</i></b>	<b><i>Conditions</i></b>
<b><i>Address Signs, Including in Mailboxes</i></b>	<b><i>Maximum letter height of 12 inches and maximum area of 4 square feet</i></b>
<b><i>Building Identification Signs</i></b>	<b><i>Names and dates of buildings maximum letter height of 18 inches and maximum area of 5 square feet</i></b>
<b><i>Ancillary Information Signs</i></b>	<b><i>Maximum aggregate area of 3 square feet</i></b>
<b><i>Construction Site Signs</i></b>	<b><i>Maximum aggregate area of 20 square feet per street frontage</i></b>
<b><i>Government Signs</i></b>	<b><i>Traffic control signs</i></b>
	<b><i>Transit signs not exceeding 3 square feet</i></b>
	<b><i>Street identification signs</i></b>
	<b><i>Utility signs</i></b>
	<b><i>Signs on City property for City civic events, services, and direction</i></b>
<b><i>Temporary Private Party Signs During Construction Projects that</i></b>	<ul style="list-style-type: none"> <li><b><i>• Permitted only during periods of construction in adjacent right-of-way; the signs must be removed immediately upon restoration of</i></b></li> </ul>

<b>Exempt Sign</b>	<b>Conditions</b>
<b>are Placed in the Adjacent Right-of-Way</b>	<p><b>traffic flow on the affected right-of-way construction zone</b></p> <ul style="list-style-type: none"> <li>• <b>The lot or parcel on which the business is located must be immediately adjacent to the right-of-way construction zone</b></li> <li>• <b>Temporary signs are limited to 1 per business, per street front and are limited to 20 square feet in area and can be no more than 5 feet in height</b></li> <li>• <b>Any signs on public sidewalks must give clearance of 5 feet for pedestrians to pass by</b></li> <li>• <b>No illumination</b></li> </ul>
<b>Temporary Private Party Signs on Private Property</b>	<p><b>Temporary signs displaying a noncommercial (e.g., ideological, religious, political) message</b></p> <hr/> <p><b>Maximum aggregate area of 16 square feet per individual sign and 80 square feet cumulative total area for all temporary signs on a property</b></p>
<b>Interior Signs</b>	<b>Any sign not visible from another lot of record or from a public right-of-way</b>
<b>No Trespassing/No Parking Signs</b>	<b>Must be posted in compliance with Federal, State and local laws</b>
<b>Parking Lot Signs</b>	<b>Maximum area of 3 square feet per sign and maximum of 1 sign per 3 parking spaces</b>
<b>Personally Attended Signs in Traditional Public Forum Areas</b>	<b>Temporary signs may be displayed daily from 7:00 a.m. until 9:00 p.m., except on occasions when the City Council or other public body with offices in the City is holding a public hearing or meeting. On such occasions, the display period is extended to 30 minutes after such meeting is officially adjourned</b>

<b>Exempt Sign</b>	<b>Conditions</b>
	<p data-bbox="602 296 1294 405"><b><i>The maximum size of any 1 sign is not to exceed 32 square feet, and the height is not to exceed 10 feet as measured from the ground</i></b></p> <p data-bbox="602 478 1271 548"><b><i>The maximum distance between a person and a personally attended sign is 5 feet</i></b></p> <p data-bbox="602 621 1289 877"><b><i>In order to serve the City's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give clearance of 5 feet for pedestrians to pass by</i></b></p>
<b>Real Estate Signs</b>	<p data-bbox="602 942 1135 972"><b><i>Maximum of 1 sign per street frontage</i></b></p> <p data-bbox="602 1035 1052 1064"><b><i>Maximum area of 12 square feet</i></b></p>
<b>Signs Required by Federal or State Law</b>	<b><i>Signs required for compliance with the Americans with Disabilities Act (ADA), California Coastal Act, etc.</i></b>
<b>Handheld Signs in Traditional Public Forum Areas</b>	<p data-bbox="602 1295 1271 1598"><b><i>Temporary signs may be displayed daily, in traditional public forum areas, from 7:00 a.m. until 9:00 p.m., except on occasions when the City Council or other public body with offices in the City is holding a public hearing or meeting. On such occasions, the display period is extended to 30 minutes after such meeting is officially adjourned</i></b></p> <p data-bbox="602 1661 1183 1690"><b><i>Maximum aggregate area of 6 square feet</i></b></p> <p data-bbox="602 1753 1276 1862"><b><i>In order to serve the City's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular</i></b></p>

<b>Exempt Sign</b>	<b>Conditions</b>
	<b>traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give clearance of 5 feet for pedestrians to pass by</b>
<b>Window Displays</b>	<b>A window display is an arrangement of merchandise, including graphics and text, that is at least 18 inches in depth and is displayed in a building window</b>
	<b>Must be 4 square feet or less to be exempt</b>

**17.59.090 - Nonconforming signs.**

Any permanent sign lawfully existing prior to the adoption of **the ordinance codified in** this Chapter and not conforming to the provisions **of the ordinance codified** contained in this Chapter is declared to be a ~~lawfully~~ **legal** nonconforming sign and may remain as such.

No such nonconforming sign shall in any way be altered, relocated, replaced or reworded unless the sign can be made to conform to all provisions of this Chapter. Nothing in this section shall be construed to prohibit the normal maintenance and repair of lawfully nonconforming signs.

**Failure of City staff to notify the property owner and/or the operator of a non-conforming sign does not authorize the continued use of the sign or release the property owner and/or operator from compliance with this section.**

**17.59.100 - Maintenance and construction provisions.**

**A. Applicable Standards.** The appropriate sections of the Uniform Building Code (UBC), the Uniform Electric Code (UEC) or any amendment thereto adopted by the City of Del Rey Oaks shall apply to the construction, placement, or display, **maintenance, and repair** of signs in the City of Del Rey Oaks. **All signs shall be installed and maintained indefinitely as shown on the approved plans, unless a formal request for revision or alteration is approved by the Planning Commission. Signs and sign structures shall at all times be maintained in a state of good repair including all braces, bolts, structural parts, supporting frames and fastenings.**

**B. Prohibited Construction.** All signs having internal or built-in illumination shall be constructed wholly of noncombustible materials or other such fire resistive materials as approved by the Planning Commission. Guide wires or exposed strut-like sign structures shall

not be utilized. Signs and sign structures shall at all times be maintained in a state of good repair including all braces, bolts, structural parts, supporting frames and fastenings.

**C. Sign Removal.** *When wall mounted signs are removed, the wall behind the sign shall be repaired and painted to match the rest of the wall within thirty (30) days of the date of the removal.*

**D. Regular Maintenance.** No permit shall be required for repainting, cleaning or other normal maintenance and repair of a sign unless the structure, design, size, color location or character is altered.

**E. Duration and Extension.** *If a building permit has not been granted within two (2) years of the date of approval of the sign permit or if a sign not requiring a building permit has not been installed within two (2) years of the date of approval of the sign permit, the sign permit approval shall be null and void, unless extended by the Planning Commission. Requests for an extension shall be made in writing a minimum of ten (10) days prior to the expiration date.*

**F. Where possible, signs should encourage and enhance a village-like atmosphere with the emphasis being on the use of wood signs and avoiding the use of signs made from single-use plastic products, as appropriate.**

#### **17.59.110 - Safety provisions.**

In addition to all other maintenance and construction provisions contained in this Chapter, all signs within the City of Del Rey Oaks shall comply with the following provisions:

A. Obstructions to doors, windows or fire escapes. ~~¶~~**No** sign shall be erected, relocated, altered, maintained or otherwise so as to prevent ingress to or egress from any door, window or fire escape or in violation of the Uniform Fire Code. No sign shall be attached to a standpipe, gutter, drain or fire escape, except signs referring specifically to the standpipe, gutter, drain or fire escape to which it is attached.

B. Signs not to obstruct traffic signals. ~~¶~~**No** sign regulated by this Chapter shall be erected at any location where, by reason of its position **or design**, it will obstruct or confuse the view of any authorized traffic sign, signal or device.

C. Exterior of signs. ~~On~~ **No** all signs which are erected within five feet of a public street or sidewalk, ~~no~~ nails, tacks, or wires shall be permitted to protrude **from any sign** therefrom. All structural trim maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

D. Signs shall not extend into the runway protection zone **of the Monterey Regional Airport** in such a manner as to interfere with the purposes of that zone.

#### **17.59.120 - Abandoned signs and abatement thereof.**

A. No person shall maintain or permit to be maintained on any premises owned or controlled by said person any sign which has been abandoned. Any such sign shall be

promptly abated. Any sign which is located on property which becomes vacant for a period of six months or more, and any sign which was erected for an occupant or business unrelated to the present occupant or his business and any sign which pertains to a time, event or purpose which no longer pertains, shall be presumed to have been abandoned ***after a lapse of thirty (30) days. Any such sign shall be deemed a public nuisance and shall be removed within thirty (30) days by the owner of the property on which the sign is located.***

B. Unless some other form of abatement is approved by the City Manager in writing, abatement of abandoned signs shall be accomplished in the following manner:

1. Signs painted on buildings, walls, fences or structures shall be abated by removal of the paint constituting the sign or by painting over the sign, ***in a color matching the existing background***, in such a way that the sign shall not thereafter become visible.

2. Other types of signs may be abated by removal of the sign including its dependent structures and supports, unless the sign conforms to the provisions contained in this Chapter in which case all faces of the sign shall be screened from view in a manner satisfactory to the City Manager.

***C. Upon failure of any person to remove a sign as required herein, the City Manager, or their delegate, is hereby expressly authorized to enter upon private property to effect such abatement, and it shall be unlawful for any person to interfere with, hinder or refuse to allow entrance upon private property for such purpose. The cost of such abatement shall constitute a lien upon the property and shall bear interest at the rate established by the City Council from the date a notice of lien is filed in the office of the County Recorder.***

#### **17.59.130 - Illumination of signs.**

All illuminated signs in the City of Del Rey Oaks shall comply with the following standards:

A. The use of high intensity, unshielded or undiffused lights shall not be permitted.

B. Lights or illumination shall be shielded, oriented or diffused so as to eliminate undue glare onto adjacent properties.

C. Lights shall be shielded or diffused in such a manner as to eliminate the possibility of conflict with safe traffic movement.

D. The Planning Commission, and City Council, on appeal, shall retain the right to require reduction in the intensity of illumination after the installation of any illuminated sign if said illumination creates any undue glare, annoyance or hazard.

#### **17.59.140 - Abatement of signs on public property and signs presenting health or safety hazards.**

A. Signs on Public Property. ***Unless specifically provided for in this Chapter, No*** sign may be placed in or upon any public right-of-way, the exterior of any public building, any

public grounds or property thereon, any public utility pole or appurtenance thereof, wherever located, or any tree on public property. **Any sign installed or placed on public property, including signs within the public right-of-way that do not comply with the requirements of this Chapter, shall be forfeited to the public and subject to immediate confiscation. When a temporary sign is confiscated by city staff from public property, staff shall notify the campaign of record within seven days of confiscating the sign and afford the campaign the opportunity to retrieve the sign. If the campaign has not retrieved the sign within ten days of notice, the city may dispose of the signs. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign, including any administrative staff costs and attorneys' fees incurred to enforce this Chapter.** Any such sign may be summarily removed and impounded by the Police Chief or City Manager or their respective delegates.

B. Signs on Private Property Presenting Health or Safety Hazards. No sign may be placed upon any property in a manner which creates a public health or safety hazard. Any sign placed on, above or adjacent to any street, sidewalk or right-of-way which creates a health or safety hazard through obstructing vision or use of such street, sidewalk or right-of-way may be summarily removed by the Police Chief or City Manager or their respective delegates. Any sign so removed shall be returned to the owner upon payment of the costs of removal and storage. Any sign placed on or about private property which creates a health or safety hazard, including obstructing vision in the public right-of-way, may be removed by the Police Chief or City Manager or their respective delegates to a position on the private property where it does not create a health or safety hazard.

C. Impounded Signs. Any sign impounded under the provisions of subsections (A) or (B) above shall be stored for a period of not less than 30 days at which time the signs may be salvaged, sold or destroyed in order to defray the costs of removal and storage. The person responsible for the placement of such sign shall be liable for the cost incurred in the removal and storage of the sign and the Police Department and City Clerk are authorized to **effect** the collection of said cost.

D. Noticing Sign Owners. If the person who owns a sign which has been removed pursuant to this section can be identified, the City official who has removed said sign shall notify that person of the reasons the sign has been removed, the location of the sign and the procedures for the return of the sign.

#### **17.59.150 - Definitions.**

**Ancillary Information Signs. Small signs generally used in commercial business including, but not limited to, information regarding credit cards, property management, hours of operation, OPEN, etc. Also, small signs generally posted for non-commercial and informational purposes, including, but not limited to, security signs, "beware of dog" signs, "no trespassing" signs, and "no solicitation" signs.**

~~I. Official **Government** Signs and Notices.~~ Signs and notices placed by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. ~~Historical markers authorized by state law and placed by state or local governmental agencies or nonprofit historical societies shall be considered as official signs.~~

***Personally Attended. Means that a person is at all times physically present within five (5) feet of a Temporary Sign displaying a noncommercial (e.g., political, ideological, religious) message.***

~~D. Primary Business Frontage.~~ That frontage of a building containing the primary or most important entrance to the occupancy thereon. In such cases where there are multiple entrances, the Planning Commission shall determine which frontage is the primary frontage. In no case shall more than one primary business frontage be permitted.

~~K. Public Directional Signs.~~ Signs containing directional information about public places owned or operated by federal, state or local governments or their agencies; publicly owned natural phenomena, historic, cultural, scientific and educational sites; and publicly owned or operated areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

~~J. Public Utility Signs.~~ Warning signs, informational signs, notices or markers which are customarily placed by public or private utilities, as essential to their operations.

~~E. Secondary Business Frontage.~~ That frontage of a building containing any entrance other than a primary business frontage. In no case shall more than two secondary business frontages be permitted.

~~H. Service Station.~~ A business which is primarily in the business of providing service to vehicles such as gasoline, oil, tire, mechanical assistance, parts, etc., and not including convenience markets that sell gasoline, diesel fuel or oil.

~~G. Shopping Center.~~ Commercial and retail buildings and associated facilities which have been designed and developed as an integrated unit containing more than four separately owned and operated businesses which function as an integral unit and which utilize common off-street parking.

~~A. Sign.~~ Any letters, figures, design, symbol, trademark or illuminating device intended to attract attention to any person, partnership, corporation or unincorporated association, or any place, subject, public performance, article, machine or merchandise, whatsoever, and painted, printed, constructed, erected or displayed in any manner whatsoever.

~~B. Sign Area.~~ That area enclosed by a square, rectangle, triangle or other shape which connects the extreme points or edges of the sign, excluding the supporting structure which

does not form part of the sign proper. Sign area shall include only one face of any double-faced sign and shall include all faces of any multi-faced sign containing more than two faces. For the purpose of this definition, the faces of a double-faced sign shall be parallel.

G. Sign Area Allotment. The maximum area of signs that may be displayed on any site, premises, business, building, parcel, lot or otherwise not including signs specifically exempted in this Chapter.

~~L. Temporary Signs. **A sign constructed of cloth, canvas, light fabric, cardboard, wallboard, poster board, or other light materials, with or without frames, and mounted in a nonpermanent manner, displaying a noncommercial message which remains in use not more than forty-five (45) consecutive days.** Temporary signs of any type, including, but not limited to, banners, which are not be displayed for a period longer than 30 days.~~

F. Uniform Building Code, Uniform Electrical Code, Uniform Mechanical Code. Those codes which are currently in full force and effect as adopted by the City Council including any amendments or additions thereto adopted from time to time by the City Council.

**Window Display. A window display is an arrangement of merchandise, including graphics and text, that is at least eighteen (18) inches in depth and is displayed in a building window. If a window display includes a sign greater than four (4) square feet located within eighteen (18) inches of the window surface, it is considered a sign.**

**Window Sign. A sign painted directly on a window, affixed to the inside of a window, or located inside facing a window and located within eighteen (18) inches of a window surface.**

#### **17.59.160 - Prohibited signs.**

The following signs shall be prohibited in the City of Del Rey Oaks. Descriptions of these signs are included in this section. Additional definitions pertaining to this Chapter are contained in Sections 17.59.150 and 17.59.170.

~~A. Portable Signs. Signs capable of standing without support or attachment to a structure or the ground; except A-frame signs approved under section 17.59.170.~~

~~B. Animated Signs. Signs that involve animation, rotation, flashing, projections, scintillation, or any type of movement not including barber pole signs or time, date and temperature signs.~~

~~C. Billboard Signs and Banners. Off-site advertising signs that are designed to direct attention to a business, commodity, service or entertainment, sold or offered elsewhere than on the premises or property on which the sign is located. Exceptions: not including temporary (30-day) signs or banners that are approved by the Planning Commission and which are to be used for the purpose of advertising an event of general civic interest or that are to be used as temporary (30-day) off-site directional signs, including such as one-time only grand opening signs etc.~~

~~D. Roof Signs. Signs that are attached to, supported by, mounted on or project above a roof or other architectural feature including, but not limited to mansards, parapets and the like.~~

~~E. Projecting Signs. Signs that are suspended from or that are supported by a wall, building or structure and project more than three feet outward therefrom or signs that project into the public right-of-way. No provision contained herein shall be construed to prohibit the display or construction of freestanding signs.~~

~~F. Characterization Signs. Signs characterizing a person, object, place, etc.~~

<b><i>Prohibited Signs</i></b>
<b><i>Any sign that exceed 32 square feet of sign area.</i></b>
<b><i>Attention-getting signs and devices that involve animation, rotation, flashing, projections, scintillation, or any type of movement, excluding barber poles, time, date, and temperature signs.</i></b>
<b><i>Backlit translucent awning signs</i></b>
<b><i>Electronic message signs (excludes traffic control signs)</i></b>
<b><i>Private party signs mounted, erected, maintained, or displayed on City property or in the right-of-way except as otherwise authorized in this Chapter. Any sign in the City right of way that is less than five feet from the back side of the curb abutting a property, or where there is no curb, five feet from the edge of the asphalt. This prohibition shall not apply to the use of City property pursuant to a special event permit, license agreement, concession, or lease.</i></b>
<b><i>Highly reflective and fluorescent (day-glow) signs</i></b>
<b><i>Off-site advertising signs that are designed to direct attention to a business, commodity, service, or entertainment, sold, or offered elsewhere than on the premises or property on which the sign is located (except for Temporary Signs)</i></b>
<b><i>Roof Signs. Signs that are attached to, supported by, mounted on or project above a roof or other architectural feature including, but not limited to mansards, parapets, and the like.</i></b>

<b><i>Projecting Signs. Signs that are suspended from or that are supported by a wall, building or structure and project more than three feet outward therefrom or signs that project into the public right-of-way. No provision contained herein shall be construed to prohibit the display or construction of freestanding signs.</i></b>
<b><i>Signs posted on trees, utility poles, traffic signposts, light posts, traffic signals, or any other official traffic control device</i></b>
<b><i>Signs placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape, or parking lot</i></b>
<b><i>Signs which simulate or imitate in size, color, lettering or design any traffic sign or signal, or which make use of words, symbols or characters in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic</i></b>
<b><i>Signs which are prohibited in a specific plan, master plan, area plan, or similar land use document adopted by the City Council</i></b>

**17.59.170 - Permitted signs.**

The following signs shall be permitted in the City of Del Rey Oaks subject to the provisions ***and conditions*** contained in this Section and this Chapter, ***including, where indicated, Planning Commission review and the issuance of a sign permit.*** Definitions of permitted signs are included in this Section. Additional definitions pertaining to this Chapter are contained in Sections 17.59.150 and 17.59.160.

<b>Permitted Sign</b>	<b>Description and Conditions</b>
<b><i>Accessory Ancillary Signs</i></b>	A sign of a secondary nature, e.g., <del>savings-stamp signs</del> , credit card signs, not exceeding one square foot. Such signs are not included in the maximum sign area allotment. Planning Commission <b><i>approval</i></b> is not required. A sign permit is not required.
<b><i>Barber Pole Signs</i></b>	A striped pole characteristic of barbershops. Such signs may rotate. One such sign may be permitted per business in addition

Permitted Sign	Description and Conditions
	to any other signs permitted by this Chapter. Planning Commission approval is required. A sign permit is required.
Directional and Public Service Signs	<p>Public service signs, approved by the Planning Commission, including time and temperature devices and signs indicating the location or direction of a place or area on the premises upon which the sign is located.</p> <p>Such signs are not included in the maximum sign area allotment if they are deemed necessary and appropriate by the City Manager. Planning Commission approval is not required. A sign permit is not required. Such signs may be placed within required yard or setback areas. Planning Commission approval is required. A sign permit is required.</p>
Freestanding Signs	Freestanding signs of a permanent nature not attached to any portion of a building and not projecting over or through a roof, eaves of a building or any public right-of-way. <b>Planning Commission approval is required. A sign permit is required.</b>
Awning, <b>Marquee, or Canopy</b> Signs	<p><b><i>An awning sign is one that is</i></b> A sign attached to the face of or supported by an awning. (Awning: a roof-like cover, usually of canvas extending over or before a place). <b><i>A marquee or canopy sign is one that is attached to or supported by a marquee or canopy.</i></b></p> <p>Such signs must be parallel to the face to which attached and must not hang lower or project above the face to which attached. Site and architectural Planning Commission approval is required. A sign permit is required.</p>
<del>Marquee or Canopy Signs</del>	<p><del>A sign attached to or supported by a marquee or canopy.</del></p> <p><del>Such signs must be parallel to the face to which they are attached and may not be made of cloth, canvas or other</del></p>

Permitted Sign	Description and Conditions
	<p><del>material of a similar nature nor shall such signs hang lower or project above the face to which attached. Planning Commission approval is required. A sign permit is required.</del></p>
Nameplates	<p>Professional nameplates and occupation signs exceeding three square feet in area.</p> <p>Planning Commission approval is required. A sign permit is required.</p>
Reader Board Signs	<p>A sign with detachable or interchangeable letters.</p> <p>Planning Commission approval is required. A sign permit is required.</p>
Under Canopy Signs	<p>Such signs that do not exceed four square feet will not be included in the maximum sign area allotment. Any such sign exceeding four square feet shall be included in the maximum sign area allotment. Such signs shall have a minimum clearance of seven feet six inches above the sidewalk.</p> <p>Planning Commission approval is required. A sign permit is required.</p>
Wall Signs	<p>A sign of either solid face construction or individual letters placed against the exterior wall of any building or structure. Such signs shall not extend more than one foot beyond the wall.</p> <p>Planning Commission approval is required. A sign permit is required.</p>

Permitted Sign	Description and Conditions
<p>Window Signs (Temporary – <del>30</del> <b>45-Day</b>).</p>	<p>Signs that are painted, placed, taped, displayed or otherwise suspended within three feet of any window that are visible from outside <del>the</del> <b>a</b> place of business and that are designed to be displayed for a maximum of <del>30</del> <b>45</b> days.</p> <p>Such signs are permitted to cover no more than 50 percent of the area of the window. Such signs may not be displayed more than <del>30</del> <b>45</b> days. Such signs are not included in the maximum sign area allotment.</p> <p>Planning Commission approval is not required. A sign permit is not required.</p>
<p>Window Signs (Permanent)</p>	<p>Signs that are painted, placed, taped, displayed or otherwise suspended within three feet of any window that are visible from outside <del>the</del> <b>a</b> place of business and that are designed to be displayed for more than <del>30</del> <b>45</b> days.</p> <p>Such signs are permitted to cover no more than ten percent of the area of the window. Such signs are not included in the maximum sign area allotment.</p> <p>Planning Commission approval is not required. A sign permit is not required.</p>
<p>Monument Sign.</p>	<p>A low profile free-standing sign incorporating the design and building materials and accenting the architectural theme of buildings within the same development.</p> <p>Such signs shall be considered the same as a free-standing sign.</p>

Permitted Sign	Description and Conditions
Real Estate Signs.	Real estate signs shall be permitted as specified <i>conditioned</i> in Section 17.59.210 <del>080</del> of this Chapter.
Portable A-Frame Signs	<p><del>A portable sign constructed of two faces which are connected by hinges at the top, forming the shape of an A when viewed at right angles to the face.</del></p> <p>Each business may be allowed one such sign. The sign shall be placed at ground level with a maximum height of four feet and be no larger than three feet by four feet and shall be placed at least four feet <i>from</i> vehicle entrances and exits and not in the public right-of-way.</p> <p><b><i>Sign advertising real estate open houses shall be placed at ground level with a maximum height of four feet and be no larger than three feet by four feet and shall be placed at least four feet. Such signs may be placed off the site on private property for the purpose of advertising that the subject property is open for inspection. One additional such sign may be displayed on the premises that is open for inspection.</i></b></p> <p><b><i>Portable signs shall only be permitted from dawn until dusk.</i></b></p> <p><del>Planning Commission approval is required. A sign permit is required.</del></p>
Signs in General	Any sign which is not listed under permitted or prohibited signs (Section 17.59.160 and this section, respectively) shall be considered individually by the Planning Commission <b><i>pursuant to Section 17.59.210.</i></b> <del>who shall determine whether the sign falls in the permitted or prohibited category.</del>

Permitted Sign	Description and Conditions
	<p><del>If the Planning Commission determines that such sign falls in the permitted category, permission to display such sign, signs or signing program shall be granted subject to any and all conditions the Planning Commission may find necessary to achieve the spirit, purpose and intent of this Chapter.</del></p> <p><del>The conditions of approval may include but not be limited to requiring Planning Commission approval and a sign permit.</del></p>
Flags	<p>Flags of any government entity are permitted. A sign permit is not required.</p> <p>Flags announcing commercial or business identity must receive Planning Commission approval and a sign permit.</p>

**17.59.180 - Sign regulations for commercial and industrial districts C-1, C-2, P-C, L-M and M districts.**

A. Sign Area. One and one-half square feet are permitted for every foot of primary business frontage to a maximum of 100 square feet per business. One-half square foot is permitted for every foot of secondary business frontage to a maximum of 25 square feet for each secondary business frontage.

B. Number of Signs. No more than two signs may be permitted per business, unless otherwise approved by the Planning Commission. Under canopy signs are not counted for the purposes of this Section.

C. Type of Signs. Any sign specified under Section 17.59.170, may be displayed in accordance with the provisions of this Chapter.

D. General Provisions. All signs and signing programs specified below shall be subject to review and approval by the Planning Commission and shall require a sign permit.

1. Shopping centers may be permitted to erect a free-standing identification sign which may also indicate the principal tenant and other services available on the site. Said sign shall be located adjacent to the principal street frontage and shall not

exceed 100 square feet in area or 25 feet in height. If the shopping center has more than one principal street frontage, two such signs may be permitted. The sign area and sign height specified in this Section are the maximum limits and the Planning Commission reserves the right to approve lesser sign area or height.

2. Industrial parks containing more than four buildings designed to be architecturally compatible, whether or not on the same parcel of land, shall be permitted to place monument signs along, at, or adjacent to principal entrances to the park. Such signs shall not exceed 200 square feet or ten feet in height. The actual size, height and number of signs shall be specified by the Planning Commission.

3. Real estate signs shall be permitted ~~subject to the provisions as~~ **conditioned in** of Section 17.59.240 **080**.

E. Master Signing Program Approval Required. Any and all commercial, office or industrial developments designed to contain more than four occupancies, businesses or buildings are required to obtain approval of a master signing program from the Planning Commission. Said master signing program plans must be prepared, reviewed and approved by the Planning Commission prior to the issuance of any occupancy permit in the development. Plans for the master signing program shall include specifications, descriptions and locations of all signs to be displayed on the site including, but not limited to, advertising, identification, directional and public service signs. The Planning Commission may approve, conditionally approve or modify said plans in order to ~~ensure~~ ensure that the master signing program is in accordance with the purpose, spirit and intent of this Chapter. Any decision of the Planning Commission on a master signing program may be appealed to the City Council. Appeals shall be in writing and shall be filed with the City Council within 20 days of the decision.

Approved master signing programs may be modified from time to time by the Planning Commission or by the City Council through the appeal process.

#### **17.59.190 –~~Sign r~~ Regulations for residential districts R-1 ~~and~~, R-2 districts.**

A. Single Family Dwellings, Duplexes, Triplexes, and Fourplexes. One nameplate not exceeding three square feet per dwelling. Planning Commission approval is not required. A sign permit is not required.

B. Multiple Family Dwellings. Dwellings containing more than four dwelling units may be permitted a maximum of two signs, each containing a maximum of 30 square feet. Planning Commission approval is required. A sign permit is required.

~~C. Church Signs. Same as Section B above.~~

~~E C. Public, Quasi-Public, Halls, Organizations, Clubs, Lodges and All Similar Uses. Same as Section B above.~~

~~ED.~~ Nonresidential uses not otherwise specified herein including, but not limited to, hotels, motels, professional offices, and other non-residential uses that may be permitted in residential zoning districts. Signs for such uses shall be regulated by Section 17.59.180.

~~FE.~~ Real Estate Signs. Real estate signs shall be permitted subject to the provisions **as conditioned in** of Section 17.59.210 ~~080~~.

~~GF.~~ All signs not permitted by subsections (A) through (~~FE~~) above or regulated **elsewhere in this Chapter** by ~~section 17.59.220~~ are prohibited.

### **17.59.200 – Sign ~~r~~Regulations for districts other than commercial, industrial, and residential.**

~~A.~~ All signs, other than real estate signs which are regulated in ~~Section 17.59.210~~ and those regulated by ~~section 17.59.220~~, shall require approval by the Planning Commission **pursuant to Section 17.59.210**, or the City Council through the appeal process. ~~Appeals may be made of any decision of the Planning Commission as specified in Section 17.59.040. No sign shall be approved unless and until a finding is made that the proposed sign is consistent with the purpose, spirit and intent of this Chapter.~~

#### **17.59.210—Real estate signs.**

~~1.~~ The following regulations shall apply to real estate signs in the City of Del Rey Oaks.

~~A. Sale, Rental or Lease Signs.~~ Except as provided in ~~Section 17.59.210 (D)~~ any property being advertised for sale, rent or lease may have one temporary (30-day) sign on the property. Such sign shall not exceed 12 square feet in area. ~~Planning Commission approval is not required. A sign permit is not required.~~

~~B. Subdivision Signs.~~ In the subdivision of land, the land being subdivided may have no more than two signs posted upon it advertising the subdivision. Each sign shall not exceed 32 square feet in area. ~~Planning Commission approval is not required. A sign permit is required.~~

~~C. Under Construction Signs.~~ Under construction signs shall not exceed 20 square feet in area. No more than one such sign shall be permitted. ~~Planning Commission approval is not required. A sign permit is required. Such signs may only be in place during actual construction.~~

~~D. Portable, Temporary (30-Day) Signs Displayed on Private Property.~~ In advertising a property for sale, rental or lease, a portable sign, not exceeding six square feet in area may be placed off the site on private property for the purpose of advertising that the subject property is open for inspection. One additional such sign may be displayed on the premises

~~that is open for inspection. Such signs shall only be displayed when the premises are open for inspection and Planning Commission approval is not required. A sign permit is not required.~~

~~E. Model Home Signs. Signs identifying model homes may be displayed on the property upon which the model homes are located. Such signs shall be located adjacent to the entrance of the model home. Such signs shall not exceed eight square feet in area nor three feet in height. Planning Commission approval is not required. A sign permit is not required.~~

~~F. General Provision. Any signs not specifically permitted under the provisions of Section 17.59.210 are prohibited unless and until a sign permit is secured from the City Clerk.~~

**17.59.210 - Signs not otherwise regulated; Sign Permit and Planning Commission Review.**

***Upon application to the Planning Commission for a sign permit, any sign(s) not otherwise regulated by this Chapter may be allowed upon application to the Planning Commission so long as the Planning Commission finds that:***

- 1. The sign(s) will not materially conflict with the character of the neighborhood in which it will be displayed; and***
- 2. The value of property in the zone will not be significantly decreased by the erection or maintenance of the sign(s).***
- 3. A finding is made that the sign(s) will better achieve the purpose and objectives of this chapter than the strict application of said sign regulation.***

~~A. General Provisions. The following provisions apply to all signs not otherwise regulated by this chapter, including, but not limited to, those expressing a political, religious, or sociological viewpoint, including election signs:~~

~~1. No such sign shall be located upon any public street, alley, sidewalk, right-of-way, easement, or other governmental property.~~

~~2. All such signs shall be erected, altered and maintained in accordance with the Uniform Building Code and the safety provisions set forth in Section 17.59.110 of this chapter.~~

~~3. All such signs must be stationary and unlighted.~~

~~4. Such signs shall be freestanding, except in the R-1 District said signs may be either attached to the outside of a window or wall of a building. Any freestanding sign shall be located at least five feet from any property line and may not encroach upon required parking or driveways.~~

~~5. The posting of any sign regulated by this section shall not in any way affect a property owner's right to erect signs permitted by other provisions of this chapter.~~

~~6. Planning Commission approval is not required. A sign permit is not required.~~

~~7. Consent of Owner or Occupant. No sign regulated by this section may be posted without the consent of the owner or legal occupant of the premises on which the sign is posted.~~

~~8. Area of Signs. No sign regulated by this section shall exceed 32 square feet of sign area.~~

~~9. Signs in the R-1 District. The total area of all signs regulated by this section on any one property in the R-1, single family residential district shall not exceed eight square feet. However, in this district, the number of such signs on any one property is not limited, provided the total area of all signs does not exceed eight square feet.~~

~~10. Signs in All Districts Other Than the R-1 District. In all zoning districts except the R-1 district, signs regulated by this section shall be placed only upon those vacant portions of a property which are not covered by structures, landscaping, parking areas or driveways, with the signs on any one property which includes at least 4,000 square feet of said vacant area to be limited to not more than one square foot of sign area for each 125 square feet of said vacant area. For properties which include less than 4,000 square feet of vacant area, each such property shall still be allowed up to 32 square feet of sign area without the need to satisfy the previous sentence's restriction that signs be allowed only upon vacant areas and with no limitation upon the number of signs composing the 32 square feet.~~

~~11. Time Limitations. Signs regulated by this section may be posted not more than 60 days prior to an event to which they pertain. All such signs must be removed within five days after the event to which they pertain or within 65 days of their initial posting whichever occurs first.~~

~~12. Responsibility for Removal. It shall be the property owner's responsibility to remove all signs regulated by this section within the time limitations specified above, whether or not the owner has consented to the posting or construction of such signs.~~

#### ~~B. Greater Sign Area and Time limitations Allowable Pursuant to Use Permit and Planning Commission Approval:~~

~~1. Upon application to the Planning Commission for a use permit, a sign area greater than otherwise allowed by this section may be allowed so long as the Planning Commission finds that:~~

~~a. The sign will not materially conflict with the character of the neighborhood in which it will be displayed; and~~

~~b. The value of property in the zone will not be significantly decreased by the erection or maintenance of the sign.~~

~~2. Use permits for such signs shall be granted for a period of not more than one year.~~

**17.59.220 - Maximum Total Sign Area**

**A. Signs in the R-1 District. The total area of all signs – temporary and permanent - regulated by this Chapter on any one property in the R-1, single-family residential district shall not exceed 160 square feet. However, in this district, the number of such signs on any one property is not limited, provided the total area of all signs does not exceed 160 square feet.**

**B. Signs in All Districts Other Than the R-1 District. In all zoning districts except the R-1 district, signs on any one parcel with at least 4,000 square feet shall be limited to not more than 250 square feet of total area for all signs. For parcels of less than 4,000 square feet shall be limited to not more than 200 square feet of total area for all signs.**

**17.59. 230 - Sign Variance**

**A. Purpose and intent. The purpose of the sign code variance procedure is to recognize unique situations that limit the view of a permitted sign and provide a reasonable alternative to the sign placement or location.**

**B. Applicability. When the strict or literal interpretation or enforcement of the regulations of this Chapter would result in practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this Chapter, the Planning Commission shall have the authority to grant a variance from the following provisions of this sign code:**

**1. Sign height, provided that the sign may not be raised more than twenty-five percent above that which would otherwise be permitted; and**

**2. Sign area, provided that the sign may not be increased in area more than twenty-five percent above that which would otherwise be permitted; and**

**3. Sign location, provided that no more than two legally permitted signs are located along any one building frontage.**

**C. Required Findings. In reviewing a sign variance request, the Planning Commission shall consider and clearly establish the following findings of fact regarding the request sign variance:**

**1. it will not endanger the public health, safety or general welfare;**

**2. it will not injure the value of adjoining or abutting property;**

**3. it will not result in any significant environmental impacts;**

**4. it will be in harmony with the area in which it is located;**

**5. it will be in conformity with the zoning ordinance, general plan and/or specific plan; and**

**6. for applications regarding commercial signs, it will not grant or constitute a special privilege to the applicant over other similarly situated businesses.**

**D. Conditions. The Planning Commission may condition its approval, and such conditions may be in addition to those allowed pursuant to this Chapter.**

**E. Applicability of Chapter. All other applicable provisions of this Chapter shall apply to any sign variance granted pursuant to this Section, including, without limitation, construction standards, design standards, and safety standards.**

**F. Appeal. Any decision of the Planning Commission regarding a sign variance may be appealed, in writing, to the City Council within 20 days of the decision.**

**17.59.230 – Neighborhood signs.**

~~Signs identifying a neighborhood or development not exceeding 50 square feet in area, may be permitted. Planning Commission approval is required. A sign permit is required.~~

**17.59.240 – Service stations.**

~~In addition to the signing permitted under Section 17.59.180, service stations may be permitted to display two additional signs each of which shall not exceed 16 square feet. Such signs shall be permanently affixed to the ground or a structure. Planning Commission approval is required. A sign permit is required.~~

**17.59.250 – Highway signs.**

~~Commercially zoned properties having frontage on Highway 218 and Highway 68 are hereby declared to be sites of special significance and any and all signs and signing programs shall be approved by the Planning Commission or the City Council on appeal. In considering a sign or signing program for a site of special significance, the following items shall be considered: the signing needs of the proposed use; the location of the site in relation to highway access; the responsibility of the City to protect and preserve the natural beauty of Highway 218 and Highway 68 while balancing the City's need for a healthy highway-oriented visitor-serving industry. Any decision of the Planning Commission concerning a site of special significance may be appealed, in writing, within 20 days of the decision of the Planning Commission.~~

**17.59.260 – Signs for advertising purposes.**

~~Unless otherwise provided in this Chapter, no permanent sign shall be erected, constructed, placed, tacked, fastened, displayed, painted, posted, printed or otherwise where more than 25 percent of the area of such sign is used for advertising purposes. Seventy-five percent of the~~

~~area of such signs shall be used solely for naming, designating or identifying the enterprise or calling.~~

~~**17.59.270 – Historic signs.**~~

~~Signs in historic areas and on historic buildings shall be minimized and shall be appropriate to ~~the~~ an historic setting.~~

**17.59.280 240- Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion is a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

**17.59.290 250- Repeal provision.**

Any and all other sign regulations contained in Title 17, Zoning, of the City of Del Rey Oaks Municipal Code in conflict with this Chapter are hereby repealed.

**SECTION 3.** Environmental Determination. The City Council finds the enactment of this ordinance is not subject to the California Environmental Quality Act (CEQA) as it is not a project pursuant to Guidelines Section 15378 because it has no potential for resulting in physical change to the environment directly or indirectly. In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**SECTION 4.** This ordinance shall take effect thirty (30) days following its final adoption.

**SECTION 5.** Severability. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

**SECTION 6.** Publication. The City Clerk of the City of Del Rey Oaks, California, is hereby directed to publish in a newspaper of general circulation.

**INTRODUCED AND APPROVED** by the City Council of the City of Del Rey Oaks, California, at its special meeting held on the 2<sup>nd</sup> day of June 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
ALISON KERR, Mayor

ATTEST:

\_\_\_\_\_  
DANIAL PICK, City Clerk

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS,  
CALIFORNIA, AMENDING CHAPTER 17.59 "SIGNS" OF THE DEL REY OAKS  
MUNICIPAL CODE**

**WHEREAS**, the City's sign ordinance is over 20 years old;

**WHEREAS**, amendments to the sign ordinance are necessary to clarify the language therein, as well as to bring the ordinance up to date; and

**WHEREAS**, enactment of this ordinance is not subject to the California Environmental Quality Act (CEQA) as it is not a project pursuant to Guidelines Section 15378 because it has no potential for resulting in physical change to the environment directly or indirectly. If this action is found to be a project under CEQA, it is exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Del Rey Oaks, California as follows:

**SECTION 1.** The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

**SECTION 2.** The text set forth in existing Chapter 17.59 of the Del Rey Oaks Municipal Code entitled, "Signs" shall be amended by the addition of all text shown in bold, italic underscored text (***bold, italic***), and deletion by strikethrough (~~strikethrough~~) as follows:

**CHAPTER 17.59 – SIGNS**

**17.59.010 - Purpose and intent.**

It is the purpose and intent of this Chapter to provide the City of Del Rey Oaks with a viable and practical set of sign regulations that will: promote the orderly growth of the community; facilitate the continual upgrading of the community; preserve the natural beauty of Del Rey Oaks while simultaneously protecting the rights of property and business owners to display signs and the right of individuals to live, work and visit a city that is free from the usual blight that would result from under-**regulation** or non-regulation of signs.

These sign regulations, pursuant to the provisions of the Del Rey Oaks General Plan, set forth the minimum acceptable standards necessary to protect and safeguard the life, peace, health, safety, property and general welfare of the public by regulating among other things the

location, placement, size, number, area, type, illumination and maintenance of signs and sign structures.

In addition to the standards specified above, it is hereby set forth that a primary goal of these regulations shall be to insure that signs and sign structures are considered in light of the architectural and landscape design of the buildings and properties along with individual setting or location of the buildings and properties; and to avoid visual clutter and out of scale impacts.

**17.59.020 - Application.**

No sign shall be placed, displayed, painted, posted, printed, tacked, fastened, erected, relocated, **or** constructed ~~or otherwise~~ except as provided in this Chapter.

**17.59.030 - Responsibility.**

It shall be the sole responsibility of the person making application to place, construct, erect, alter, relocate, tack, fasten, paint, post or display any sign in the City of Del Rey Oaks to obtain the necessary authorization from the owner or lessee of the property.

**17.59.040 - Planning commission approval required.**

Planning Commission approval shall be required of all signs unless otherwise specified in this Chapter. A fee shall be collected by the City Clerk prior to consideration of any sign by the Planning Commission. The fee shall be established from time to time by Resolution of the City Council.

In order to facilitate the Planning Commission approval process, any person seeking to obtain Planning Commission approval shall submit accurate plans, scale drawings, color boards, examples of materials or any such other information specified by the City Manager showing the size, shape, location, color, materials and physical relationship to the site of the sign and sign structure. Any decision of the Planning Commission may be appealed, in writing, to the City Council within 20 days of the decision.

During the course of review and approval, the Planning Commission or the City Council on appeal may approve, disapprove, conditionally approve, or modify the plans as submitted in order to insure compliance with the spirit and intent of this Chapter.

**17.59.050 - Sign permit required.**

In order to insure that the Planning Commission is provided with an opportunity to review the placement, construction, erection, relocation or alteration of any and all signs in the City of Del Rey Oaks, it is required, unless otherwise specified herein, that a sign permit shall be obtained from the City Clerk prior to the placement, construction, relocation, alteration or otherwise erection of the sign.

Any person seeking to obtain a sign permit shall provide the City Clerk with any and all necessary detailed plans, scale drawings or other materials and samples or information required by the City Clerk along with written evidence that Planning Commission approval has been obtained for the sign. Following a review of the materials and design submitted, the City Clerk may issue the sign permit or, if appropriate shall, require that a Building Permit be obtained pursuant to the provisions of the Uniform Building Code (UBC) in lieu of a sign permit. A fee shall be collected by the City Clerk prior to the issuance of any sign or building permit. The fee shall be the same as for a minor use permit and shall be established from time to time by Resolution of the City Council. The fee for a building permit shall be as specified in the *City's Master Fee Schedule*. UBC.

#### **17.59.060 - Enforcement.**

The regulations contained in this Chapter shall be enforced as are other zoning, building and safety regulations as set forth in the Del Rey Oaks Municipal Code, *which may include, without limitation, enforcement pursuant to Chapters 1.16 and 1.19.*

*Any sign not in compliance with this Chapter is hereby declared to be a public nuisance and may be abated pursuant to the provisions of Sections 8.28.050 through 8.28.200, or pursuant to state law.*

*Each sign installed, created, erected, or maintained in violation of this Chapter shall be considered a separate violation.*

#### **17.59.070 - Remedies.**

Notwithstanding, the procedures for enforcement set forth in the Del Rey Oaks Municipal Code, the City of Del Rey Oaks is hereby authorized to **enforce this Chapter** proceed in any other fashion, way, or procedure permitted by law.

#### **17.59.080 - Exemptions.**

The provisions and regulations of this Chapter shall not apply to the following signs *should the stated conditions be met. However, the following signs shall be subject to all safety provisions contained in this Chapter. Should the stated conditions not be met, Planning Commission review and a sign permit are required.* provided, however, that the following signs shall be subject to all safety provisions contained in this Chapter:

- ~~A. Official signs and notices, public utility signs, public directional signs;~~
- ~~B. Professional nameplates not exceeding three square feet in area;~~
- ~~C. Temporary (30-day) signs of a directional nature approved by the City Manager;~~
- ~~D. Emergency, public service or other temporary (30-day) non-advertising signs as approved by the City Council;~~

~~E. Memorial signs on tablets, names and dates of buildings when cut into any masonry surface or when flush mounted and constructed of bronze or other noncombustible materials;~~

~~F. Freestanding mailboxes designating the name and address of the person serviced by the mailbox;~~

~~G. Signs placed by the City of Del Rey Oaks.~~

<b><i>Exempt Sign</i></b>	<b><i>Conditions</i></b>
<b><i>Address Signs, Including in Mailboxes</i></b>	<b><i>Maximum letter height of 12 inches and maximum area of 4 square feet</i></b>
<b><i>Building Identification Signs</i></b>	<b><i>Names and dates of buildings maximum letter height of 18 inches and maximum area of 5 square feet</i></b>
<b><i>Ancillary Information Signs</i></b>	<b><i>Maximum aggregate area of 3 square feet</i></b>
<b><i>Construction Site Signs</i></b>	<b><i>Maximum aggregate area of 20 square feet per street frontage</i></b>
<b><i>Government Signs</i></b>	<b><i>Traffic control signs</i></b>
	<b><i>Transit signs not exceeding 3 square feet</i></b>
	<b><i>Street identification signs</i></b>
	<b><i>Utility signs</i></b>
	<b><i>Signs on City property for City civic events, services, and direction</i></b>
<b><i>Private Party Signs During Construction Projects that are Placed</i></b>	<ul style="list-style-type: none"> <li><b><i>Permitted only during periods of construction in adjacent right-of-way; the signs must be removed immediately upon restoration of</i></b></li> </ul>

<b>Exempt Sign</b>	<b>Conditions</b>
<b><i>in the Adjacent Right-of-Way</i></b>	<p><b><i>traffic flow on the affected right-of-way construction zone</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>The lot or parcel on which the business is located must be immediately adjacent to the right-of-way construction zone</i></b></li> <li>• <b><i>Signs are limited to 1 per business, per street front and are limited to 20 square feet in area and can be no more than 5 feet in height</i></b></li> <li>• <b><i>Any signs on public sidewalks must give clearance of 5 feet for pedestrians to pass by</i></b></li> <li>• <b><i>No illumination</i></b></li> </ul>
<b><i>Private Party Signs on Private Property</i></b>	<b><i>Signs displaying a noncommercial (e.g., ideological, religious, political) message</i></b>
	<b><i>Maximum aggregate area of 16 square feet per individual sign and 80 square feet cumulative total area for all signs on a property</i></b>
<b><i>Interior Signs</i></b>	<b><i>Any sign not visible from another lot of record or from a public right-of-way</i></b>
<b><i>No Trespassing/No Parking Signs</i></b>	<b><i>Must be posted in compliance with Federal, State and local laws</i></b>
<b><i>Parking Lot Signs</i></b>	<b><i>Maximum area of 3 square feet per sign and maximum of 1 sign per 3 parking spaces</i></b>
<b><i>Personally Attended Signs in Traditional Public Forum Areas</i></b>	<b><i>Signs may be displayed daily from 7:00 a.m. until 9:00 p.m., except on occasions when the City Council or other public body with offices in the City is holding a public hearing or meeting. On such occasions, the display period is extended to 30 minutes after such meeting is officially adjourned</i></b>

<b>Exempt Sign</b>	<b>Conditions</b>
	<p data-bbox="586 296 1276 401"><b><i>The maximum size of any 1 sign is not to exceed 32 square feet, and the height is not to exceed 10 feet as measured from the ground</i></b></p> <p data-bbox="586 478 1252 548"><b><i>The maximum distance between a person and a personally attended sign is 5 feet</i></b></p> <p data-bbox="586 617 1284 877"><b><i>In order to serve the City's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give clearance of 5 feet for pedestrians to pass by</i></b></p>
<b>Real Estate Signs</b>	<p data-bbox="586 940 1117 972"><b><i>Maximum of 1 sign per street frontage</i></b></p> <p data-bbox="586 1035 1032 1066"><b><i>Maximum area of 12 square feet</i></b></p>
<b>Signs Required by Federal or State Law</b>	<p data-bbox="586 1125 1284 1230"><b><i>Signs required for compliance with the Americans with Disabilities Act (ADA), California Coastal Act, etc.</i></b></p>
<b>Handheld Signs in Traditional Public Forum Areas</b>	<p data-bbox="586 1295 1292 1556"><b><i>Signs may be displayed daily, in traditional public forum areas, from 7:00 a.m. until 9:00 p.m., except on occasions when the City Council or other public body with offices in the City is holding a public hearing or meeting. On such occasions, the display period is extended to 30 minutes after such meeting is officially adjourned</i></b></p> <p data-bbox="586 1619 1166 1650"><b><i>Maximum aggregate area of 6 square feet</i></b></p> <p data-bbox="586 1713 1284 1860"><b><i>In order to serve the City's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and</i></b></p>

<b>Exempt Sign</b>	<b>Conditions</b>
	<b>persons displaying signs on public sidewalks must give clearance of 5 feet for pedestrians to pass by</b>
<b>Window Displays</b>	<b>A window display is an arrangement of merchandise, including graphics and text, that is at least 18 inches in depth and is displayed in a building window</b>
	<b>Must be 4 square feet or less to be exempt</b>

**17.59.090 - Nonconforming signs.**

Any permanent sign lawfully existing prior to the adoption of **the ordinance codified in** this Chapter and not conforming to the provisions **of the ordinance codified** contained in this Chapter is declared to be a lawfully **legal** nonconforming sign and may remain as such.

No such nonconforming sign shall in any way be altered, relocated, replaced or reworded unless the sign can be made to conform to all provisions of this Chapter. Nothing in this section shall be construed to prohibit the normal maintenance and repair of lawfully nonconforming signs.

**Failure of City staff to notify the property owner and/or the operator of a nonconforming sign does not authorize the continued use of the sign or release the property owner and/or operator from compliance with this section.**

**17.59.100 - Maintenance and construction provisions.**

**A. Applicable Standards.** The appropriate sections of the Uniform Building Code (UBC), the Uniform Electric Code (UEC) or any amendment thereto adopted by the City of Del Rey Oaks shall apply to the construction, placement, or display, **maintenance, and repair** of signs in the City of Del Rey Oaks. **All signs shall be installed and maintained indefinitely as shown on the approved plans, unless a formal request for revision or alteration is approved by the Planning Commission. Signs and sign structures shall at all times be maintained in a state of good repair including all braces, bolts, structural parts, supporting frames and fastenings.**

**B. Prohibited Construction.** All signs having internal or built-in illumination shall be constructed wholly of noncombustible materials or other such fire resistive materials as approved by the Planning Commission. Guide wires or exposed strut-like sign structures shall

not be utilized. Signs and sign structures shall at all times be maintained in a state of good repair including all braces, bolts, structural parts, supporting frames and fastenings.

**C. Sign Removal.** *When wall mounted signs are removed, the wall behind the sign shall be repaired and painted to match the rest of the wall within thirty (30) days of the date of the removal.*

**D. Regular Maintenance.** No permit shall be required for repainting, cleaning or other normal maintenance and repair of a sign unless the structure, design, size, color location or character is altered.

**E. Duration and Extension.** *If a building permit has not been granted within two (2) years of the date of approval of the sign permit or if a sign not requiring a building permit has not been installed within two (2) years of the date of approval of the sign permit, the sign permit approval shall be null and void, unless extended by the Planning Commission. Requests for an extension shall be made in writing a minimum of ten (10) days prior to the expiration date.*

**F. Where possible, signs should encourage and enhance a village-like atmosphere with the emphasis being on the use of wood signs and avoiding the use of signs made from single-use plastic products, as appropriate.**

#### **17.59.110 - Safety provisions.**

In addition to all other maintenance and construction provisions contained in this Chapter, all signs within the City of Del Rey Oaks shall comply with the following provisions:

A. Obstructions to doors, windows or fire escapes. ~~no~~ **No** sign shall be erected, relocated, altered, maintained or otherwise so as to prevent ingress to or egress from any door, window or fire escape or in violation of the Uniform Fire Code. No sign shall be attached to a standpipe, gutter, drain or fire escape, except signs referring specifically to the standpipe, gutter, drain or fire escape to which it is attached.

B. Signs not to obstruct traffic signals. ~~no~~ **No** sign regulated by this Chapter shall be erected at any location where, by reason of its position **or design**, it will obstruct or confuse the view of any authorized traffic sign, signal or device.

C. Exterior of signs. ~~On~~ **No** all signs which are erected within five feet of a public street or sidewalk, ~~no~~ nails, tacks, or wires shall be permitted to protrude **from any sign** therefrom. All structural trim maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

D. Signs shall not extend into the runway protection zone **of the Monterey Regional Airport** in such a manner as to interfere with the purposes of that zone.

#### **17.59.120 - Abandoned signs and abatement thereof.**

A. No person shall maintain or permit to be maintained on any premises owned or controlled by said person any sign which has been abandoned. Any such sign shall be

promptly abated. Any sign which is located on property which becomes vacant for a period of six months or more, and any sign which was erected for an occupant or business unrelated to the present occupant or his business and any sign which pertains to a time, event or purpose which no longer pertains, shall be presumed to have been abandoned **after a lapse of thirty (30) days. Any such sign shall be deemed a public nuisance and shall be removed within thirty (30) days by the owner of the property on which the sign is located.**

B. Unless some other form of abatement is approved by the City Manager in writing, abatement of abandoned signs shall be accomplished in the following manner:

1. Signs painted on buildings, walls, fences or structures shall be abated by removal of the paint constituting the sign or by painting over the sign, **in a color matching the existing background**, in such a way that the sign shall not thereafter become visible.
2. Other types of signs may be abated by removal of the sign including its dependent structures and supports, unless the sign conforms to the provisions contained in this Chapter in which case all faces of the sign shall be screened from view in a manner satisfactory to the City Manager.

**C. Upon failure of any person to remove a sign as required herein, the City Manager, or their delegate, is hereby expressly authorized to enter upon private property to effect such abatement, and it shall be unlawful for any person to interfere with, hinder or refuse to allow entrance upon private property for such purpose. The cost of such abatement shall constitute a lien upon the property and shall bear interest at the rate established by the City Council from the date a notice of lien is filed in the office of the County Recorder.**

#### **17.59.130 - Illumination of signs.**

All illuminated signs in the City of Del Rey Oaks shall comply with the following standards:

- A. The use of high intensity, unshielded or undiffused lights shall not be permitted.
- B. Lights or illumination shall be shielded, oriented or diffused so as to eliminate undue glare onto adjacent properties.
- C. Lights shall be shielded or diffused in such a manner as to eliminate the possibility of conflict with safe traffic movement.
- D. The Planning Commission, and City Council, on appeal, shall retain the right to require reduction in the intensity of illumination after the installation of any illuminated sign if said illumination creates any undue glare, annoyance or hazard.

#### **17.59.140 - Abatement of signs on public property and signs presenting health or safety hazards.**

A. Signs on Public Property. **Unless specifically provided for in this Chapter, No** sign may be placed in or upon any public right-of-way, the exterior of any public building, any

public grounds or property thereon, any public utility pole or appurtenance thereof, wherever located, or any tree on public property. **Any sign installed or placed on public property, including signs within the public right-of-way that do not comply with the requirements of this Chapter, shall be forfeited to the public and subject to immediate confiscation. When a sign is confiscated by city staff from public property, staff shall notify the campaign of record within seven days of confiscating the sign and afford the campaign the opportunity to retrieve the sign. If the campaign has not retrieved the sign within ten days of notice, the city may dispose of the signs. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign, including any administrative staff costs and attorneys' fees incurred to enforce this Chapter.** Any such sign may be summarily removed and impounded by the Police Chief or City Manager or their respective delegates.

B. Signs on Private Property Presenting Health or Safety Hazards. No sign may be placed upon any property in a manner which creates a public health or safety hazard. Any sign placed on, above or adjacent to any street, sidewalk or right-of-way which creates a health or safety hazard through obstructing vision or use of such street, sidewalk or right-of-way may be summarily removed by the Police Chief or City Manager or their respective delegates. Any sign so removed shall be returned to the owner upon payment of the costs of removal and storage. Any sign placed on or about private property which creates a health or safety hazard, including obstructing vision in the public right-of-way, may be removed by the Police Chief or City Manager or their respective delegates to a position on the private property where it does not create a health or safety hazard.

C. Impounded Signs. Any sign impounded under the provisions of subsections (A) or (B) above shall be stored for a period of not less than 30 days at which time the signs may be salvaged, sold or destroyed in order to defray the costs of removal and storage. The person responsible for the placement of such sign shall be liable for the cost incurred in the removal and storage of the sign and the Police Department and City Clerk are authorized to **effect** the collection of said cost.

D. Noticing Sign Owners. If the person who owns a sign which has been removed pursuant to this section can be identified, the City official who has removed said sign shall notify that person of the reasons the sign has been removed, the location of the sign and the procedures for the return of the sign.

#### **17.59.150 - Definitions.**

**Ancillary Information Signs. Small signs generally used in commercial business including, but not limited to, information regarding credit cards, property management, hours of operation, OPEN, etc. Also, small signs generally posted for non-commercial and informational purposes, including, but not limited to, security signs, "beware of dog" signs, "no trespassing" signs, and "no solicitation" signs.**

~~I. Official **Government** Signs and Notices.~~ Signs and notices placed by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. ~~Historical markers authorized by state law and placed by state or local governmental agencies or nonprofit historical societies shall be considered as official signs.~~

***Personally Attended. Means that a person is at all times physically present within five (5) feet of a Sign displaying a noncommercial (e.g., political, ideological, religious) message.***

~~D. Primary Business Frontage.~~ That frontage of a building containing the primary or most important entrance to the occupancy thereon. In such cases where there are multiple entrances, the Planning Commission shall determine which frontage is the primary frontage. In no case shall more than one primary business frontage be permitted.

~~K. Public Directional Signs.~~ Signs containing directional information about public places owned or operated by federal, state or local governments or their agencies; publicly owned natural phenomena, historic, cultural, scientific and educational sites; and publicly owned or operated areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

~~J. Public Utility Signs.~~ Warning signs, informational signs, notices or markers which are customarily placed by public or private utilities, as essential to their operations.

~~E. Secondary Business Frontage.~~ That frontage of a building containing any entrance other than a primary business frontage. In no case shall more than two secondary business frontages be permitted.

~~H. Service Station.~~ A business which is primarily in the business of providing service to vehicles such as gasoline, oil, tire, mechanical assistance, parts, etc., and not including convenience markets that sell gasoline, diesel fuel or oil.

~~G. Shopping Center.~~ Commercial and retail buildings and associated facilities which have been designed and developed as an integrated unit containing more than four separately owned and operated businesses which function as an integral unit and which utilize common off-street parking.

~~A. Sign.~~ Any letters, figures, design, symbol, trademark or illuminating device intended to attract attention to any person, partnership, corporation or unincorporated association, or any place, subject, public performance, article, machine or merchandise, whatsoever, and painted, printed, constructed, erected or displayed in any manner whatsoever.

~~B. Sign Area.~~ That area enclosed by a square, rectangle, triangle or other shape which connects the extreme points or edges of the sign, excluding the supporting structure which

does not form part of the sign proper. Sign area shall include only one face of any double-faced sign and shall include all faces of any multi-faced sign containing more than two faces. For the purpose of this definition, the faces of a double-faced sign shall be parallel.

~~C. Sign Area Allotment. The maximum area of signs that may be displayed on any site, premises, business, building, parcel, lot or otherwise not including signs specifically exempted in this Chapter.~~

~~L. Temporary Signs. Temporary signs of any type, including, but not limited to, banners, which are not be displayed for a period longer than 30 days.~~

~~F. Uniform Building Code, Uniform Electrical Code, Uniform Mechanical Code. Those codes which are currently in full force and effect as adopted by the City Council including any amendments or additions thereto adopted from time to time by the City Council.~~

***Window Display. A window display is an arrangement of merchandise, including graphics and text, that is at least eighteen (18) inches in depth and is displayed in a building window. If a window display includes a sign greater than four (4) square feet located within eighteen (18) inches of the window surface, it is considered a sign.***

***Window Sign. A sign painted directly on a window, affixed to the inside of a window, or located inside facing a window and located within eighteen (18) inches of a window surface.***

#### **17.59.160 - Prohibited signs.**

The following signs shall be prohibited in the City of Del Rey Oaks. Descriptions of these signs are included in this section. Additional definitions pertaining to this Chapter are contained in Sections 17.59.150 and 17.59.170.

~~A. Portable Signs. Signs capable of standing without support or attachment to a structure or the ground; except A-frame signs approved under section 17.59.170.~~

~~B. Animated Signs. Signs that involve animation, rotation, flashing, projections, scintillation, or any type of movement not including barber pole signs or time, date and temperature signs.~~

~~C. Billboard Signs and Banners. Off-site advertising signs that are designed to direct attention to a business, commodity, service or entertainment, sold or offered elsewhere than on the premises or property on which the sign is located. Exceptions: not including temporary (30-day) signs or banners that are approved by the Planning Commission and which are to be used for the purpose of advertising an event of general civic interest or that are to be used as temporary (30-day) off-site directional signs, including such as one-time only grand opening signs etc.~~

~~D. Roof Signs. Signs that are attached to, supported by, mounted on or project above a roof or other architectural feature including, but not limited to mansards, parapets and the like.~~

~~E. Projecting Signs. Signs that are suspended from or that are supported by a wall, building or structure and project more than three feet outward therefrom or signs that project into the public right-of-way. No provision contained herein shall be construed to prohibit the display or construction of freestanding signs.~~

~~F. Characterization Signs. Signs characterizing a person, object, place, etc.~~

<b><i>Prohibited Signs</i></b>
<b><i>Any sign that exceed 32 square feet of sign area.</i></b>
<b><i>Attention-getting signs and devices that involve animation, rotation, flashing, projections, scintillation, or any type of movement, excluding barber poles, time, date, and temperature signs.</i></b>
<b><i>Backlit translucent awning signs</i></b>
<b><i>Electronic message signs (excludes traffic control signs)</i></b>
<b><i>Private party signs mounted, erected, maintained, or displayed on City property or in the right-of-way except as otherwise authorized in this Chapter. Any sign in the City right of way that is less than five feet from the back side of the curb abutting a property, or where there is no curb, five feet from the edge of the asphalt. This prohibition shall not apply to the use of City property pursuant to a special event permit, license agreement, concession, or lease.</i></b>
<b><i>Highly reflective and fluorescent (day-glow) signs</i></b>
<b><i>Off-site advertising signs that are designed to direct attention to a business, commodity, service, or entertainment, sold, or offered elsewhere than on the premises or property on which the sign is located.</i></b>
<b><i>Roof Signs. Signs that are attached to, supported by, mounted on or project above a roof or other architectural feature including, but not limited to mansards, parapets, and the like.</i></b>
<b><i>Projecting Signs. Signs that are suspended from or that are supported by a wall, building or structure and project more than three feet outward therefrom or signs that project into the public right-of-way. No provision contained</i></b>

<b><i>herein shall be construed to prohibit the display or construction of freestanding signs.</i></b>
<b><i>Signs posted on trees, utility poles, traffic signposts, light posts, traffic signals, or any other official traffic control device</i></b>
<b><i>Signs placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape, or parking lot</i></b>
<b><i>Signs which simulate or imitate in size, color, lettering or design any traffic sign or signal, or which make use of words, symbols or characters in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic</i></b>
<b><i>Signs which are prohibited in a specific plan, master plan, area plan, or similar land use document adopted by the City Council</i></b>

**17.59.170 - Permitted signs.**

The following signs shall be permitted in the City of Del Rey Oaks subject to the provisions ***and conditions*** contained in this Section and this Chapter, ***including, where indicated, Planning Commission review and the issuance of a sign permit.*** Definitions of permitted signs are included in this Section. Additional definitions pertaining to this Chapter are contained in Sections 17.59.150 and 17.59.160.

<b>Permitted Sign</b>	<b>Description and Conditions</b>
<b><i>Accessory Ancillary</i></b> Signs	A sign of a secondary nature, e.g., <del>savings stamp signs</del> , credit card signs, not exceeding one square foot. Such signs are not included in the maximum sign area allotment. Planning Commission <b><i>approval</i></b> is not required. A sign permit is not required.
Barber Pole Signs	A striped pole characteristic of barbershops. Such signs may rotate. One such sign may be permitted per business in addition to any other signs permitted by this Chapter. Planning Commission approval is required. A sign permit is required.

Permitted Sign	Description and Conditions
Directional and Public Service Signs	<p>Public service signs, approved by the Planning Commission, including time and temperature devices and signs indicating the location or direction of a place or area on the premises upon which the sign is located.</p> <p>Such signs are not included in the maximum sign area allotment if they are deemed necessary and appropriate by the City Manager. Planning Commission approval is not required. A sign permit is not required. Such signs may be placed within required yard or setback areas. Planning Commission approval is required. A sign permit is required.</p>
Freestanding Signs	<p>Freestanding signs of a permanent nature not attached to any portion of a building and not projecting over or through a roof, eaves of a building or any public right-of-way. <b>Planning Commission approval is required. A sign permit is required.</b></p>
Awning, Marquee, or Canopy Signs	<p><b>An awning sign is one that is A-sign</b> attached to the face of or supported by an awning. (Awning: a roof-like cover, usually of canvas extending over or before a place). <b>A marquee or canopy sign is one that is attached to or supported by a marquee or canopy.</b></p> <p>Such signs must be parallel to the face to which attached and must not hang lower or project above the face to which attached. Site and architectural Planning Commission approval is required. A sign permit is required.</p>
Marquee or Canopy Signs	<p><del>A sign attached to or supported by a marquee or canopy.</del></p> <p><del>Such signs must be parallel to the face to which they are attached and may not be made of cloth, canvas or other material of a similar nature nor shall such signs hang lower or project above the face to which attached. Planning Commission approval is required. A sign permit is required.</del></p>

Permitted Sign	Description and Conditions
Nameplates	<p>Professional nameplates and occupation signs exceeding three square feet in area.</p> <p>Planning Commission approval is required. A sign permit is required.</p>
Reader Board Signs	<p>A sign with detachable or interchangeable letters.</p> <p>Planning Commission approval is required. A sign permit is required.</p>
Under Canopy Signs	<p>Such signs that do not exceed four square feet will not be included in the maximum sign area allotment. Any such sign exceeding four square feet shall be included in the maximum sign area allotment. Such signs shall have a minimum clearance of seven feet six inches above the sidewalk.</p> <p>Planning Commission approval is required. A sign permit is required.</p>
Wall Signs	<p>A sign of either solid face construction or individual letters placed against the exterior wall of any building or structure. Such signs shall not extend more than one foot beyond the wall.</p> <p>Planning Commission approval is required. A sign permit is required.</p>
Window Signs (Temporary — 30 Day)	<p><del>Signs that are painted, placed, taped, displayed or otherwise suspended within three feet of any window that are visible from outside the place of business and that are designed to be displayed for a maximum of 30 45 days.</del></p> <p>Such signs are permitted to cover no more than 50 percent of the area of the window. Such signs may not be displayed more</p>

Permitted Sign	Description and Conditions
	<p><del>than 30 days. Such signs are not included in the maximum sign area allotment.</del></p> <p><del>Planning Commission approval is not required. A sign permit is not required.</del></p>
Window Signs (Permanent)	<p>Signs that are painted, placed, taped, displayed or otherwise suspended within three feet of any window that are visible from outside <del>the a</del> place of business. <del>and that are designed to be displayed for more than 30 days.</del></p> <p>Such signs are permitted to cover no more than ten percent of the area of the window. Such signs are not included in the maximum sign area allotment.</p> <p>Planning Commission approval is not required. A sign permit is not required.</p>
Monument Sign	<p>A low profile free-standing sign incorporating the design and building materials and accenting the architectural theme of buildings within the same development.</p> <p>Such signs shall be considered the same as a free-standing sign.</p>
Real Estate Signs	<p>Real estate signs shall be permitted as <del>specified</del> <b>conditioned</b> in Section 17.59.240 <b>080</b> of this Chapter.</p>
Portable A-Frame Signs	<p><del>A portable sign constructed of two faces which are connected by hinges at the top, forming the shape of an A when viewed at right angles to the face.</del></p> <p>Each business may be allowed one such sign. The sign shall be placed at ground level with a maximum height of four feet and</p>

Permitted Sign	Description and Conditions
	<p>be no larger than three feet by four feet and shall be placed at least four feet <b>from</b> vehicle entrances and exits and not in the public right-of-way.</p> <p><b><i>Sign advertising real estate open houses shall be placed at ground level with a maximum height of four feet and be no larger than three feet by four feet and shall be placed at least four feet. Such signs may be placed off the site on private property for the purpose of advertising that the subject property is open for inspection. One additional such sign may be displayed on the premises that is open for inspection.</i></b></p> <p><b><i>Portable signs shall only be permitted from dawn until dusk.</i></b></p> <p>Planning Commission approval is required. A sign permit is required.</p>
Signs in General	<p>Any sign which is not listed under permitted or prohibited signs (Section 17.59.160 and this section, respectively) shall be considered individually by the Planning Commission <b><i>pursuant to Section 17.59.210.</i></b> <del>who shall determine whether the sign falls in the permitted or prohibited category.</del></p> <p><del>If the Planning Commission determines that such sign falls in the permitted category, permission to display such sign, signs or signing program shall be granted subject to any and all conditions the Planning Commission may find necessary to achieve the spirit, purpose and intent of this Chapter.</del></p> <p>The conditions of approval may include but not be limited to requiring Planning Commission approval and a sign permit.</p>

Permitted Sign	Description and Conditions
Flags	<p>Flags of any government entity are permitted. A sign permit is not required.</p> <p>Flags announcing commercial or business identity must receive Planning Commission approval and a sign permit.</p>

**17.59.180 - Sign regulations for commercial and industrial districts C-1, C-2, P-C, L-M and M districts.**

A. Sign Area. One and one-half square feet are permitted for every foot of primary business frontage to a maximum of 100 square feet per business. One-half square foot is permitted for every foot of secondary business frontage to a maximum of 25 square feet for each secondary business frontage.

B. Number of Signs. No more than two signs may be permitted per business, unless otherwise approved by the Planning Commission. Under canopy signs are not counted for the purposes of this Section.

C. Type of Signs. Any sign specified under Section 17.59.170, may be displayed in accordance with the provisions of this Chapter.

D. General Provisions. All signs and signing programs specified below shall be subject to review and approval by the Planning Commission and shall require a sign permit.

1. Shopping centers may be permitted to erect a free-standing identification sign which may also indicate the principal tenant and other services available on the site. Said sign shall be located adjacent to the principal street frontage and shall not exceed 100 square feet in area or 25 feet in height. If the shopping center has more than one principal street frontage, two such signs may be permitted. The sign area and sign height specified in this Section are the maximum limits and the Planning Commission reserves the right to approve lesser sign area or height.

2. Industrial parks containing more than four buildings designed to be architecturally compatible, whether or not on the same parcel of land, shall be permitted to place monument signs along, at, or adjacent to principal entrances to the park. Such signs shall not exceed 200 square feet or ten feet in height. The actual size, height and number of signs shall be specified by the Planning Commission.

3. Real estate signs shall be permitted ~~subject to the provisions as~~ **conditioned in** of Section 17.59.240 ~~080~~.

E. Master Signing Program Approval Required. Any and all commercial, office or industrial developments designed to contain more than four occupancies, businesses or buildings are required to obtain approval of a master signing program from the Planning Commission. Said master signing program plans must be prepared, reviewed and approved by the Planning Commission prior to the issuance of any occupancy permit in the development. Plans for the master signing program shall include specifications, descriptions and locations of all signs to be displayed on the site including, but not limited to, advertising, identification, directional and public service signs. The Planning Commission may approve, conditionally approve or modify said plans in order to ensure that the master signing program is in accordance with the purpose, spirit and intent of this Chapter. Any decision of the Planning Commission on a master signing program may be appealed to the City Council. Appeals shall be in writing and shall be filed with the City Council within 20 days of the decision.

Approved master signing programs may be modified from time to time by the Planning Commission or by the City Council through the appeal process.

**17.59.190 –~~Sign~~ Regulations for residential districts R-1 and, R-2 districts.**

A. Single Family Dwellings, Duplexes, Triplexes, and Fourplexes. One nameplate not exceeding three square feet per dwelling. Planning Commission approval is not required. A sign permit is not required.

B. Multiple Family Dwellings. Dwellings containing more than four dwelling units may be permitted a maximum of two signs, each containing a maximum of 30 square feet. Planning Commission approval is required. A sign permit is required.

~~C. Church Signs. Same as Section B above.~~

~~E C.~~ Public, Quasi-Public, Halls, Organizations, Clubs, Lodges and All Similar Uses. Same as Section B above.

~~ED.~~ Nonresidential uses not otherwise specified herein including, but not limited to, hotels, motels, professional offices, and other non-residential uses that may be permitted in residential zoning districts. Signs for such uses shall be regulated by Section 17.59.180.

~~FE.~~ Real Estate Signs. Real estate signs shall be permitted ~~subject to the provisions as~~ **conditioned in** of Section 17.59.240 ~~080~~.

~~GF.~~ All signs not permitted by subsections (A) through (~~FE~~) above or regulated **elsewhere in this Chapter** ~~by section 17.59.220~~ are prohibited.

**17.59.200 – Sign r-Regulations for districts other than commercial, industrial, and residential.**

~~A. All signs, other than real estate signs which are regulated in Section 17.59.210 and those regulated by section 17.59.220, shall require approval by the Planning Commission pursuant to Section 17.59.210, or the City Council through the appeal process. Appeals may be made of any decision of the Planning Commission as specified in Section 17.59.040. No sign shall be approved unless and until a finding is made that the proposed sign is consistent with the purpose, spirit and intent of this Chapter.~~

**17.59.210 – Real estate signs.**

~~1. The following regulations shall apply to real estate signs in the City of Del Rey Oaks.~~

~~A. Sale, Rental or Lease Signs. Except as provided in Section 17.59.210 (D) any property being advertised for sale, rent or lease may have one temporary (30-day) sign on the property. Such sign shall not exceed 12 square feet in area. Planning Commission approval is not required. A sign permit is not required.~~

~~B. Subdivision Signs. In the subdivision of land, the land being subdivided may have no more than two signs posted upon it advertising the subdivision. Each sign shall not exceed 32 square feet in area. Planning Commission approval is not required. A sign permit is required.~~

~~C. Under Construction Signs. Under construction signs shall not exceed 20 square feet in area. No more than one such sign shall be permitted. Planning Commission approval is not required. A sign permit is required. Such signs may only be in place during actual construction.~~

~~D. Portable, Temporary (30-Day) Signs Displayed on Private Property. In advertising a property for sale, rental or lease, a portable sign, not exceeding six square feet in area may be placed off the site on private property for the purpose of advertising that the subject property is open for inspection. One additional such sign may be displayed on the premises that is open for inspection. Such signs shall only be displayed when the premises are open for inspection and Planning Commission approval is not required. A sign permit is not required.~~

~~E. Model Home Signs. Signs identifying model homes may be displayed on the property upon which the model homes are located. Such signs shall be located adjacent to the entrance of the model home. Such signs shall not exceed eight square feet in area nor three feet in height. Planning Commission approval is not required. A sign permit is not required.~~

~~F. General Provision. Any signs not specifically permitted under the provisions of Section 17.59.210 are prohibited unless and until a sign permit is secured from the City Clerk.~~

**17.59.210 - Signs not otherwise regulated; Sign Permit and Planning Commission Review.**

**Upon application to the Planning Commission for a sign permit, any sign(s) not otherwise regulated by this Chapter may be allowed upon application to the Planning Commission so long as the Planning Commission finds that:**

- 1. The sign(s) will not materially conflict with the character of the neighborhood in which it will be displayed; and**
- 2. The value of property in the zone will not be significantly decreased by the erection or maintenance of the sign(s).**
- 3. A finding is made that the sign(s) will better achieve the purpose and objectives of this chapter than the strict application of said sign regulation.**

~~A. General Provisions. The following provisions apply to all signs not otherwise regulated by this chapter, including, but not limited to, those expressing a political, religious, or sociological viewpoint, including election signs:~~

~~1. No such sign shall be located upon any public street, alley, sidewalk, right-of-way, easement, or other governmental property.~~

~~2. All such signs shall be erected, altered and maintained in accordance with the Uniform Building Code and the safety provisions set forth in Section 17.59.110 of this chapter.~~

~~3. All such signs must be stationary and unlighted.~~

~~4. Such signs shall be freestanding, except in the R-1 District said signs may be either attached to the outside of a window or wall of a building. Any freestanding sign shall be located at least five feet from any property line and may not encroach upon required parking or driveways.~~

~~5. The posting of any sign regulated by this section shall not in any way affect a property owner's right to erect signs permitted by other provisions of this chapter.~~

~~6. Planning Commission approval is not required. A sign permit is not required.~~

~~7. Consent of Owner or Occupant. No sign regulated by this section may be posted without the consent of the owner or legal occupant of the premises on which the sign is posted.~~

~~8. Area of Signs. No sign regulated by this section shall exceed 32 square feet of sign area.~~

~~9. Signs in the R-1 District. The total area of all signs regulated by this section on any one property in the R-1, single-family residential district shall not exceed eight square feet. However, in this district, the number of such signs on any one property is not limited, provided the total area of all signs does not exceed eight square feet.~~

~~10. Signs in All Districts Other Than the R-1 District. In all zoning districts except the R-1 district, signs regulated by this section shall be placed only upon those vacant portions of a property which are not covered by structures, landscaping, parking areas or driveways, with the signs on any one property which includes at least 4,000 square feet of said vacant area to be limited to not more than one square foot of sign area for each 125 square feet of said vacant area. For properties which include less than 4,000 square feet of vacant area, each such property shall still be allowed up to 32 square feet of sign area without the need to satisfy the previous sentence's restriction that signs be allowed only upon vacant areas and with no limitation upon the number of signs composing the 32 square feet.~~

~~11. Time Limitations. Signs regulated by this section may be posted not more than 60 days prior to an event to which they pertain. All such signs must be removed within five days after the event to which they pertain or within 65 days of their initial posting whichever occurs first.~~

~~12. Responsibility for Removal. It shall be the property owner's responsibility to remove all signs regulated by this section within the time limitations specified above, whether or not the owner has consented to the posting or construction of such signs.~~

~~B. Greater Sign Area and Time limitations Allowable Pursuant to Use Permit and Planning Commission Approval.~~

~~1. Upon application to the Planning Commission for a use permit, a sign area greater than otherwise allowed by this section may be allowed so long as the Planning Commission finds that:~~

~~a. The sign will not materially conflict with the character of the neighborhood in which it will be displayed; and~~

~~b. The value of property in the zone will not be significantly decreased by the erection or maintenance of the sign.~~

~~2. Use permits for such signs shall be granted for a period of not more than one year.~~

**17.59.220 - Maximum Total Sign Area**

**A. Signs in the R-1 District. The total area of all signs regulated by this Chapter on any one property in the R-1, single-family residential district shall not exceed 160 square feet. However, in this district, the number of such signs on any one property is not limited, provided the total area of all signs does not exceed 160 square feet.**

**B. Signs in All Districts Other Than the R-1 District. In all zoning districts except the R-1 district, signs on any one parcel with at least 4,000 square feet shall be limited to**

**not more than 250 square feet of total area for all signs. For parcels of less than 4,000 square feet shall be limited to not more than 200 square feet of total area for all signs.**

#### **17.59. 230 - Sign Variance**

**A. Purpose and intent. The purpose of the sign code variance procedure is to recognize unique situations that limit the view of a permitted sign and provide a reasonable alternative to the sign placement or location.**

**B. Applicability. When the strict or literal interpretation or enforcement of the regulations of this Chapter would result in practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this Chapter, the Planning Commission shall have the authority to grant a variance from the following provisions of this sign code:**

**1. Sign height, provided that the sign may not be raised more than twenty-five percent above that which would otherwise be permitted; and**

**2. Sign area, provided that the sign may not be increased in area more than twenty-five percent above that which would otherwise be permitted; and**

**3. Sign location, provided that no more than two legally permitted signs are located along any one building frontage.**

**C. Required Findings. In reviewing a sign variance request, the Planning Commission shall consider and clearly establish the following findings of fact regarding the request sign variance:**

**1. it will not endanger the public health, safety or general welfare;**

**2. it will not injure the value of adjoining or abutting property;**

**3. it will not result in any significant environmental impacts;**

**4. it will be in harmony with the area in which it is located;**

**5. it will be in conformity with the zoning ordinance, general plan and/or specific plan; and**

**6. for applications regarding commercial signs, it will not grant or constitute a special privilege to the applicant over other similarly situated businesses.**

**D. Conditions. The Planning Commission may condition its approval, and such conditions may be in addition to those allowed pursuant to this Chapter.**

**E. Applicability of Chapter. All other applicable provisions of this Chapter shall apply to any sign variance granted pursuant to this Section, including, without limitation, construction standards, design standards, and safety standards.**

**F. Appeal. Any decision of the Planning Commission regarding a sign variance may be appealed, in writing, to the City Council within 20 days of the decision.**

**~~17.59.230 – Neighborhood signs.~~**

~~Signs identifying a neighborhood or development not exceeding 50 square feet in area, may be permitted. Planning Commission approval is required. A sign permit is required.~~

**~~17.59.240 – Service stations.~~**

~~In addition to the signing permitted under Section 17.59.180, service stations may be permitted to display two additional signs each of which shall not exceed 16 square feet. Such signs shall be permanently affixed to the ground or a structure. Planning Commission approval is required. A sign permit is required.~~

**~~17.59.250 – Highway signs.~~**

~~Commercially zoned properties having frontage on Highway 218 and Highway 68 are hereby declared to be sites of special significance and any and all signs and signing programs shall be approved by the Planning Commission or the City Council on appeal. In considering a sign or signing program for a site of special significance, the following items shall be considered: the signing needs of the proposed use; the location of the site in relation to highway access; the responsibility of the City to protect and preserve the natural beauty of Highway 218 and Highway 68 while balancing the City's need for a healthy highway-oriented visitor-serving industry. Any decision of the Planning Commission concerning a site of special significance may be appealed, in writing, within 20 days of the decision of the Planning Commission.~~

**~~17.59.260 – Signs for advertising purposes.~~**

~~Unless otherwise provided in this Chapter, no permanent sign shall be erected, constructed, placed, tacked, fastened, displayed, painted, posted, printed or otherwise where more than 25 percent of the area of such sign is used for advertising purposes. Seventy-five percent of the area of such signs shall be used solely for naming, designating or identifying the enterprise or calling.~~

**~~17.59.270 – Historic signs.~~**

~~Signs in historic areas and on historic buildings shall be minimized and shall be appropriate to ~~the~~ an historic setting.~~

**~~17.59.280 240- Severability.~~**

~~If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion is a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.~~

**17.59.290 250- Repeal provision.**

Any and all other sign regulations contained in Title 17, Zoning, of the City of Del Rey Oaks Municipal Code in conflict with this Chapter are hereby repealed.

**SECTION 3. Environmental Determination.** The City Council finds the enactment of this ordinance is not subject to the California Environmental Quality Act (CEQA) as it is not a project pursuant to Guidelines Section 15378 because it has no potential for resulting in physical change to the environment directly or indirectly. In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**SECTION 4.** This ordinance shall take effect thirty (30) days following its final adoption.

**SECTION 5. Severability.** If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

**SECTION 6. Publication.** The City Clerk of the City of Del Rey Oaks, California, is hereby directed to publish in a newspaper of general circulation.

**INTRODUCED AND APPROVED** by the City Council of the City of Del Rey Oaks, California, at its special meeting held on the 2<sup>nd</sup> day of June 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

ALISON KERR, Mayor

ATTEST:

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DANIAL PICK, City Clerk