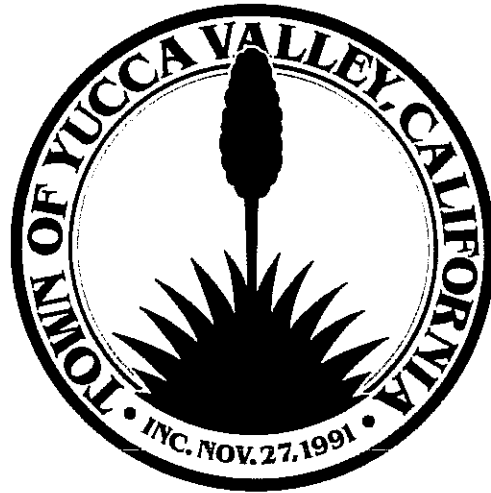


TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



*The Mission of the Town of Yucca Valley is to
provide a government that is responsive to the needs and
concerns of its diverse citizenry and
ensures a safe and secure environment
while maintaining the highest quality of life*

TUESDAY
APRIL 24, 2012
6:00 p.m.

YUCCA VALLEY COMMUNITY CENTER, YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

* * * *

PLANNING COMMISSION MEMBERS

*Tim Humphreville, Chairman
Mike Alberg, Vice Chairman
Vickie Bridenstine, Commissioner
Jeff Drozd, Commissioner
Michael Hildebrand, Commissioner*

AGENDA

MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, APRIL 24, 2012

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's office at (760) 369-7209 at least 48 hours prior to the meeting.

If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Planning Commission secretary. The Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.

CALL TO ORDER:

ROLL CALL: Mike Alberg, Vice Chairman
Vickie Bridenstine, Commissioner
Jeff Drozd, Commissioner
Michael Hildebrand, Commissioner
Tim Humphreville, Chairman

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Action: Move by _____ 2nd by _____ Voice Vote _____.

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Planning Commission takes this time to consider your comments on items of concern, which are not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to three minutes or less. Inappropriate behavior, which disrupts or otherwise impedes the orderly conduct of the meeting, will result in forfeiture of your public comment privileges. The Planning Commission is prohibited by State law from taking action or discussing items not included on the printed agenda.

PUBLIC HEARING:

1. DEVELOPMENT CODE AMENDMENT, DCA 01-12 SIGN ORDINANCE

A request from staff that the Planning Commission reviews DCA 01-12 amending Ordinance 156, Sign Regulations.

RECOMMENDATION: That the Planning Commission reviews the information provided, takes public testimony and makes recommendations to the Town Council on changes to the Code.

Action: Moved by ___ 2nd by _____ Voice Vote

CONSENT AGENDA:

All items listed on the consent agenda are considered to be routine matters and may be enacted by one motion and a second. There will be no separate discussion of the consent agenda items unless a member of the Planning Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the discussion. Public requests to comment on consent calendar items should be filed with the Deputy Town Clerk before the consent agenda is called.

2. MINUTES–

A request that the Planning Commission approve as submitted the minutes of the meeting held on February 28, 2012.

Action: Moved by _____ 2nd by _____ Voice Vote _____.

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Bridenstine
Commissioner Drozd
Commissioner Hildebrand
Vice Chairman Alberg
Chairman Humphreville

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, May 08, 2012 at 6:00 p.m.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Robert Kirschmann, Associate Planner
Date: March 19, 2012
For Commission Meeting: April 24, 2012

Subject: Development Code Amendment, DCA 01-12
Sign Ordinance (Ordinance #156)
Development Code Update

Prior Commission Review: There has been no review of the Town's sign regulations since 2004.

Recommendation: That the Planning Commission reviews the information provided, takes public testimony and forwards recommendations to the Town Council on potential amendments to the Sign Ordinance.

Executive Summary: As the Planning Commission is aware, the Town is currently preparing a comprehensive Development Code Update. Included in the Development Code update is the review and amendment of the Town's Sign regulations. The Town Council adopted Ordinance 156 on September 2, 2004. No amendments have been made to the ordinance since the 2004 amendments; however the Planning Commission has made interpretations on directional signage and changeable copy signs.

At the Town Council meeting of March 6, 2012 staff was directed to ... "schedule a Planning Commission Public Hearing to allow additional input to be brought before a joint meeting of the Town Council and Commission". The primary purpose of this review of the sign regulations is to identify desired amendments to the Sign Code through the Public Hearing process.

The input received from the Planning Commission and from the upcoming joint Planning Commission/Town Council meeting will be provided to the consulting firm assisting the Town with the Development Code Update for preparation of the revised sign regulations. The joint Planning Commission/Town Council meeting date has not been established.

Order of Procedure:

Request Staff Report
Request Public Comment
Commission Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Voice Vote)

Department Report Ordinance Action Resolution Action Public Hearing
 Consent Minute Action P. 1 Receive and File Study Session

Discussion: Ordinance 156 regulates the installation of all types of signage including temporary signs (banners, flag, hulas, etc.), and permanent signs (wall, pole, monument, A-frames, directional, etc.). In most cases, standards are provided for the number of signs allowed, the location(s), square footage, and setbacks if applicable.

The purpose and intent of the Sign Code is: *“to protect the general public health, safety, welfare, viewsheds and other aesthetic values of the community by ensuring that signage is clear, consistent and compatible with surrounding neighborhoods and the rural desert character of the Town; assure the implementation of community design standards consistent with the General Plan; promote the community’s appearance by regulating the design, character, location, type, quality of materials, scale, color, illumination, and maintenance of signs; place limits on the use of signs which provide direction and aid orientation for businesses and activities; promote signs that identify uses and premises without confusion; reduce possible traffic and safety hazards through good signage. It is the further intent of this Chapter to establish flexibility based upon individual circumstances which includes building location in relation to adjacent structures, public rights-of-way, compatibility with surrounding development and visibility of the business location to the general public.”*

In general, sign regulations establish maximum standards for the location, size (area), number and height of both “permanent” as well as temporary signs. While there are different standards contained within the Town’s existing regulations for single site developments vs. commercial centers, the following outlines the general sign parameters for commercial establishment signs within the community:

Buildings or lease spaces are generally allowed one wall sign per building frontage oriented towards a street, driveway or parking area. The size ratio is 1 square foot of sign area per one lineal foot of the building or lease area. Should the lineal frontage of the building exceed 80’ then two wall signs are allowed, not exceeding the maximum square footage.

A freestanding sign is also permitted. Monument signs are limited to a maximum of 8’ in height and pole signs start at 12’ are allowed up to 25’ depending on the acreage of the site. A minimum of 30 square feet is allowed. If the property frontage exceeds 150 lineal feet the square foot ratio is one square foot of signage per 5 lineal feet of street frontage. However, subject to the review and approval of a Design Merit Sign Permit the height can be increased by 50 percent and 25 percent in square footage. The Ordinance also includes the Landmark Sign Permit which allows for certain signs that do not meet all of the standards to remain. The Planning Commission has previously made an interpretation that only one sign per street frontage is allowed.

Since the adoption of the current Sign Code, the Community, the Planning Commission and Staff have noted several sections of the code that require modification or clarification. These items are discussed below and it is anticipated that there will be additional requests for modification to the Ordinance.

Amortization

One section of the sign regulations addressed in prior amendments was amortization of non-conforming signs. Amortization schedules are the most commonly used method of establishing a timeline for the removal of non-conforming signs. Signs which complied with prior regulations, but do not comply with current regulations, are classified as "nonconforming signs." In the current Ordinance, Section 87.07170, there are nine items which trigger compliance (elimination of non-conforming signs) with the current regulation. But there is no amortization schedule in the current regulations. The code states:

- a. ***Purpose and Intent.*** *The requirements of this Section are intended to recognize that the eventual elimination of signs that do not comply with the provisions of this Chapter is as important as the prohibition of new signs that would violate these standards.*
- b. *Any sign legally existing on the effective date of this Ordinance that does not comply with the regulations of this Chapter shall be deemed to be a nonconforming sign.*
- c. *A legally established sign which fails to conform to this Chapter shall be allowed as a continued use until such time any of the following occurs first:*
 1. *Structurally altered so as to extend its useful life.*
 2. *Expanded, moved, or relocated.*
 3. *Re-established after damage or destruction of more than 50% and the destruction is other than facial copy replacement and the display is not repaired within 30 days of the date of its destruction.*
 4. *There is a change in ownership of the property, inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;*
 5. *The business or land use activity is discontinued or sold;*
 6. *The property is subdivided or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method or device which would otherwise circumvent the intent of this section;*
 7. *A Conditional Use Permit, Site Plan Review, or Land Use Compliance Review is granted for the property or use of the property;*
 8. *A Sign Permit is issued permitting installation or construction of a new or additional sign on the property;*

9. *Whenever there is a change in ownership or tenancy of any business or tenant space within a shopping center, new wall signage and/or freestanding sign conforming to the requirements of this Chapter that identifies such change is permitted although nonconforming signs exist within the center. However, no change of sign copy to identify such change in ownership or tenancy shall be permitted on any nonconforming sign.*

Consideration should be given that Section 87.07170(c) (4) be removed and (5) be amended to delete "or sold", and that an amortization schedule be established. Below is an example of an amortization schedule that was part of the San Bernardino County Development Code, which the Town inherited at incorporation:

87.0760 Amortization/Abatement.

(a) GENERAL REQUIREMENTS.

A nonconforming sign, as defined by this Title, shall not be:

- (1) Structurally altered to extend its useful life.*
- (2) Expanded.*
- (3) Re-established after damage or destruction of more than seventy-five percent (75%) of its value, as determined by the Building Official.*
- (4) No new sign shall be approved for a site, structure, building or use that contains nonconforming signs unless such nonconforming signs are removed or modified to conform with the provisions of this Title. No building permit shall be issued for any structures, building expansions or new building construction on a site which contains nonconforming signs, unless all signs on the site are brought into conformance with this Title. This does not include interior alterations which do not substantially change the character or intensity of the site.*

(b) ACCESSORY SIGN AMORTIZATION.

Every accessory sign not described in California Business and Professions Code Subsection 5490 (b) and which does not comply with the provisions of this Title shall have the same nonconforming use rights as the on-site business use it advertises, and shall be removed at the time the nonconforming use rights of the business expire.

(c) REMOVAL AND RELOCATION OF NONCONFORMING PRIMARY SIGNS.

Nonconforming primary sign displays located in an area designated on the County General Plan and designated as either agricultural or residential and located more than six hundred sixty (660) feet from the edge of the right-of-way of a freeway or primary highway, which have copy not visible or intended to be read from such freeway or primary highway, shall be removed from the site without compensation in accordance with the following schedule. This amortization period shall commence upon receipt of written notice of nonconformance.

<i>Fair Market Value on Date of Notice</i>	<i>Maximum Years Allowed</i>
<i>Under \$1,999.....</i>	<i>3.0</i>
<i>\$2,000 to \$3,999.....</i>	<i>4.5</i>
<i>\$4,000 to \$5,999.....</i>	<i>6.0</i>
<i>\$ 6 , 000 to \$ 7 , 999.....</i>	<i>7.5</i>
<i>\$8,000 to \$9,999.....</i>	<i>9.0</i>
<i>\$10,000 and over.....</i>	<i>10.5</i>

(d) HARDSHIP CASES.

Under cases of extreme hardship and unusual circumstances, the Planning commission shall have the authority to allow the retention of a nonconforming sign if the Commission specifically finds that extreme hardship and unusual circumstances exist.

The proponent of the request shall have the burden of clearly demonstrating that an extreme hardship and unusual circumstance exists and warrants the retention of the sign. The Planning commission shall conduct a public hearing and shall find the following to be true prior to allowing retention of a nonconforming sign:

- (1) The site has a 'unique character or features that cause visibility problems.*
- (2) The sign does not create a traffic hazard.*
- (3) The sign does not create a visual blight to the community.*
- (4) The sign does not adversely affect adjacent properties.*
- (5) The sign is properly maintained and structurally sound.*
- (6) No other signing alternative or design would be feasible or be able to provide reasonable signing in accordance with this Title .*

If the Planning commission finds that an extreme and unusual circumstance exists, but that the design or condition of the sign creates a visual blight, then the Commission can grant a relief from the amortization of the nonconforming sign with the condition that the sign be remodeled to a more aesthetic design.

The Building Official shall determine the fair market value in accordance with the latest material valuation schedules and send notice of the determined value to the owner. Any disagreement over the value shall be resolved under the appeal procedures set forth in this Title. Upon the expiration of the appeal period, the sign shall be an illegal use, subject to immediate removal.

Temporary Signs

Temporary signs include banners, flags, pennants, hulas, political, temporary subdivision signs, and others which are regulated by the Sign Code. The Temporary Sign section is broken down into several sections (Special Events, Subdivisions and Model Home Signs, Temporary Commercial and Industrial Signs, and Political Signs). The issues raised relate to the Temporary Commercial and Industrial section of the Code. There are several areas within the Temporary sign regulations that require clarification and clean-up language. Temporary signs are intended to be as the name implies, temporary and not permanent signs.

While this area of the Code has been suspended per Council direction with the intent to assist business during these economic times, long term implementation of the temporary sign regulations requires clarification.

That section of the Code reads as follows:

Section 87.07130 TEMPORARY SIGNS. *Temporary signs shall not be installed prior to the issuance of a Temporary Sign Permit.*

- c. **Temporary Commercial and Industrial Signs.** *Temporary commercial and industrial signs to publicize sales, new merchandise, close-outs, grand openings or other similar events may be permitted subject to the following restrictions:*
1. *A permit may be issued for temporary signs provided that a permit may not be issued to an applicant unless a period of time has elapsed which is two (2) times the length of time that the previous sign was permitted.*
 2. *Temporary window signs may be permitted on outside facing windows if the cumulative total of any permanent and temporary signage (excluding open/close signs) does not cover more than 50% of the individual window surface.*

3. *Special event signs may include search lights, beacons, and small balloons; however, the display of such devices shall be limited to 2 days or less or the duration of the event.*
4. *One thirty two (32) square-foot, 8 foot-high non-illuminated freestanding sign per street frontage located on the subject property advertising a future facility/business or tenant provide the temporary sign is located ten (10) feet from any right-of-way and the sign is removed upon occupancy of the building.*
5. **Banners and Flags:**
 - A. *No banners, flags, pennants, hulas, streamers shall be displayed without a permit.*
 - B. *One banner not exceeding sixty (60) square-feet shall be permitted to advertise a special event provided the banner is attached to the space advertising the special event in accordance with the time frames specified above. However, in lieu of a building wall banner, one-thirty-two (32) square foot of sign area may be permitted for a maximum of thirty (30) calendar days that may be located on the property to advertise seasonal sale items such as pumpkins or Christmas trees.*
 - C. *The business owner/applicant shall immediately remove any banner, flag, pennant, hula and streamers determined to be tattered, torn, faded, no longer tightly attached to the building, abandoned, or non-maintained.*
 - D. *Pennants, hulas, streamers and other similar devices shall be limited to fleet services (i.e. car lots). The strings on which pennants, hulas, streamers and other such devices are hung, where permitted, shall be limited in length to not more than one and one half (1/2) times the street frontage of the property or tenant/building frontage.*
 - E. *Banners, flags, pennants, hulas and streamers shall not be displayed above the roof line of the building.*
 - F. *One maximum fifty (50) square-foot banner identifying the name of a new business may be displayed for no more than ninety (90) days.*

Temporary Signs-Time Limits

The existing Code lacks necessary time-frames for the placement and use of temporary signs. Section 87.07130(c) (1) states that no new temporary sign permit may be issued unless two times the length of the previous permit has elapsed. However there is no set length of time that a temporary sign may be displayed.

Further, section (c)(5)(F) is the only reference in the Code to a time limit, which limits banners for new businesses to no more than 90 days.

In the past this section was interpreted as any temporary sign, banner, etc. shall be displayed for no more than 90 days, signs must be removed for 180 days, and then a new permit obtained. Again, the intent of this section is that these signs are installed on a temporary basis.

Temporary Signs-Window Signage

Section 87.07130 (c) (2) establishes the requirements for window signs for businesses. The section requires that a temporary sign permit be obtained and that no more than 50% of the individual window is covered by signage. If the intent is to allow window signs at a maximum of 50% coverage, these standards should be included in the "Exempt Commercial Signs" section of the Code. If a business would like to exceed this standard, then a permit could be required, or 50 percent coverage could be classified as the maximum coverage standard.

Temporary Signs-"b" wings

The current code does not set standards for the use of flags, or what are commonly referred to as "b" wings. There is no standard as to how many a business is allowed or where these can be located. Today staff has been allowing one banner and one flag, or 2 flags. One fact to keep in mind is that in strip malls, if every business is allowed even one flag, the numbers of these along the highway could result in a significant number of temporary signs. An additional item for discussion is a setback from streets and or parking areas. Therefore, staff is recommending to incorporate current practice into the new regulations and allow one banner and one "b" wing or two "b" wings and no banner. Since these are meant to be temporary signs, staff would recommend that that the permits are good for 90 days, remove for 180 and then a new permit obtained. Staff also recommends that the flags/ "b" wings be setback a minimum of the total height of the sign from streets and parking areas and be properly anchored.

Temporary Signs, Civic Community Events:

Section 87.07130 2, A, B, and C allow for the placement of temporary civic community event signs. This section is intended to provide the opportunity to provide signage for larger or special events intended for the benefit of the overall community, the business community, tourism, and other similar activities. Consideration should be given to modifying these standards to expand the locations where signs may be placed along the Town's commercial corridor. A recent example of implementation of this section of the Code was the Griffin King of the Hammers event, and the Town's placement of electronic reader boards along SR 62 and SR 247 welcoming those visitors to the Town and the Basin, and encouraging their patronage at local businesses. Expanding the capability to support the community through these types of events is an important element for business retention and attraction.

Exempt Signs

The Exempt Sign section provides for those instances when a sign permit is not required in residential or commercial settings. The Code does not have regulations for exempt industrial signs. This can easily be accomplished by rewording the section to "Exempt Commercial and Industrial Signs"

Directional Signs

The only section in the Sign Code which addresses directional signs is under the exempt section. Section 87.0790 (b) (16) can be found below:

Section 87.0790 EXEMPT SIGNS

16. Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area that does not exceed three (3) square feet, have a maximum overall height of four (4) feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five (5) feet from any property line is maintained. Directional signs may display an arrow or other directional symbol and/or words, including but not limited to "parking", "enter", "exit", "do not enter", "drive-through", and other similar messages.

This area of the code has been involved in discussions and variance requests for the signage at both the Phelps Dealerships and Hutchins Motorsports. The primary issue was that this section does not provide standards for directional signs which require installation on a building. The Planning Commission has previously determined that signs that state "service", "Xpress", and similar are exempt up to 10 square feet. For consideration is that this interpretation be included in the amended Code. While not technically directional signs, language can be included which would provide these opportunities as ancillary signs

Exempt Real Estate Signs

The Commercial exempt sign section allows for freestanding real estate signs advertising the sale or lease of a building, however banners or signs affixed to the building or lease space are not exempt and subject to a temporary sign permit. Consideration should be given to modifications to the Code to provide the opportunity for both freestanding and attached signs to be classified as exempt.

There are no standards for multifamily exempt signs in the Code. This is not typically an issue except in real estate signs. There are no standards specific to a real estate sign for a multifamily project. Section 87.0790(a) (3) (Exempt Residential Signs) allows for no more than 9 square feet. Realtors, leasing agents, and property managers have expressed concern that 9 square feet is not adequate to advertise an apartment complex and should have a larger allowance, similar to the commercial exemption.

Standards should be adopted for multifamily projects, and allow additional signage based upon the number of units, up to the 32 square feet, similar to what is allowed under the commercial exempt real estate sign section .

Just as an example of what the Planning Commission might consider:

Multifamily up to 3 units are limited to 9 square feet
4-20 units 16 square feet
21 units plus 32 square feet.

These thresholds can be adjusted as the Planning Commission sees fit.

Weekend Directional Signs

Section 87.0790(a) (4) states:

4. *Until such time as a formal kiosk program is implemented by the Town Council, temporary off-site weekend directional signs shall be permitted for purposes of providing direction subject to the following regulations:*
 - A. *Maximum area of a directional sign shall not exceed three (3) square-feet nor shall the maximum height of any part of the sign exceed height of three (3) feet.*
 - B. *Signs shall only be posted on weekends between 3:00 p.m. on Friday and 8:00 a.m. on Monday, or between 3:00 p.m. on the day preceding a holiday occurring on Friday and 8:00 a.m. on the following Monday, or between 3:00 p.m. Friday and 8:00 a.m. on the following Tuesday following a holiday occurring on a Monday.*
 - C. *Signs shall be posted in the right-of-way.*
 - D. *There shall be no more than one (1) sign per direction of traffic at any intersection.*
 - E. *Signs shall be at least five hundred (500) feet from any other sign for the residential development, except at intersections. Signs shall not be within twenty (20) feet of a sign for any other residential development and shall in no way obscure, obstruct, detract, or interfere with any traffic or safety sign.*
 - F. *Signs left within the right-of-way beyond the time specified in Subsection (B) above will be removed by Town forces and any costs for removal will be billed to the project developer.*

This section allows for weekend directional signs until a formal kiosk program is implemented. In 2007/2008 the Town approved permits for the first Kiosk signs in Town. Therefore, this section can be removed from the code.

Service Station Signs

The Ordinance includes specific regulations on service station signage. Over the years several issues have been raised in this area. The section reads as follows:

e. **Service Station-Identification**

1. **Freestanding Signs:**

- A. *On-premises/Price Freestanding Sign. One maximum thirty (30) square-foot, including price advertising as required by State law sign per street frontage.*
- B. *Service stations, whether situated on an independent parcel, or incorporated as part of a commercial, industrial or office complex, shall have independent freestanding sign rights.*

2. **Building and Pump Island Canopy Signs**

- A. *Building wall and canopy signs shall be limited to two signs totaling no more than thirty-six (36) square-feet in combined display area. For service stations with multiple tenants, one additional building wall sign shall be allowed for each use, with a maximum combined sign area limit of fifty (50) square-feet.*

3. **Pump Island Signs**

- A. *One (1) non-illuminated wall or ground sign for each pump island, not to exceed a total of four (4) per station, with a maximum sign area of two (2) square feet per face. Special service signs shall be limited to such items as self-serve, full serve, air, water, cashier, and shall be non-illuminated. Price signs must meet requirements of the California Business and Professions Code.*

California Business and Professions Code (BPC), Chapter 14 Petroleum, Article 12 regulates signage as related to gasoline service stations. The Code **does not** include a minimum square footage size; however the code does require the pricing and letter to be certain sizes. For example BPC Section 13532(a)(4) requires the price figures to be a minimum of 6 inches in height, brand name and "Gasoline and Diesel" must be 1/3 the size of the price, and grade not less than 1/6.

Staff performed some crude calculations and believes that 15-20 square feet is sufficient for a service station to meet the requirements. For consideration by the Commission is that freestanding signs for service stations be amended to follow the same standards as other commercial establishments but be allowed an additional 20 square feet in order to comply with State law and provide business identification.

Additional discussion needs to take place in reference to the number and size of signs allowed on the canopies and buildings. The code states that no more than 2 signs are allowed on the building wall **and** canopy, unless the building has multiple tenants. If there are multiple tenants than additional wall signs may be added, provided that the total cumulative square footage of all wall signs and canopy signs do not exceed 50 square feet. Staff has received concerns on these regulations, particularly when they want to place their brand or logo on three sides of the canopy. The canopy logo signs are usually small, generally less than 12 square feet. For consideration is the two sections be split up and that up to three canopy signs facing a street, driveway or parking lot are permitted up to a maximum of 15 square feet. Wall signage would be identical to those allowed for other commercial buildings.

General Design Standards-Freestanding Sign Heights

Section 87.07110(a)(1) sets standards for measuring the heights of pole signs and monument signs. The Section states:

Section 87.07110 GENERAL DESIGN STANDARDS

a. **Computations** *The following methods shall be used to measure sign height and sign area.*

1. **Sign Height**

A. **Pole Sign**

1. *The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.*
2. *Where the finished grade level is above or below street level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.*

B. **Monument Sign**

1. *The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.*
2. *Where the finished grade level is above street level, and/or a planter or retaining wall exists, the height shall be the vertical distance measured from finished grade to the highest point of the sign structure.*

3. *Where the finished grade level is below street grade level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.*

Amendments to this section of the Code are necessary to address how sign height is measured for properties both above and below street grade. Staff will include recommended language in the forthcoming revisions.

Changeable Copy Signs (electronic or non-electric)

Changeable copy signs are used by a wide variety of businesses from gas stations, to pharmacies, to the Town of Yucca Valley. These message boards provide the opportunity to change the message to advertise an event or special that the location is having. The sign code provides very limited guidance on these types of signs, the code section which discusses these types of signs read as follows:

Section 87.07110 GENERAL DESIGN STANDARDS:

c. Sign Copy

1. *Letter size shall be proportional to the background and overall sign size.*
2. *Graphics consistent with the nature of the product to be advertised are encouraged. However, these shall be considered as part of the sign area.*
3. *Logos are encouraged but are considered part of the sign area.*
4. *Signs which incorporate electronic message boards shall be subject to review and approval by the Planning Commission.*
5. *Electronic message areas shall not exceed 25% of the total sign area of the sign structure it is attached to.*

The Planning Commission determined that non electronic changeable copy signs are allowed, subject to the 25% requirement found above, but not required to be reviewed and approved by the Planning Commission.

Location/Number of Freestanding Signs

During a variance for the Town Center Mall the Planning Commission made an interpretation that businesses were allowed a maximum of one freestanding sign per street frontage. Staff would recommend that this language be incorporated into the sign regulations. Staff would also recommend language be added which requires the signs be placed near the entrance to the site.

Without this clarification, multiple signs may be located in close proximity to one street frontage, where the intent of these standards is to establish "street frontage signage" .

Statuary

The Planning Commission reviewed a development code interpretation request on statues and whether or not statues are considered signage. It was determined that they were considered signage and should be calculated as part of the allowed square footage. This should be included in updated Sign Code.

Finally Staff would like to present some research that the Planning Staff conducted over the last several months. Fourteen cities were contacted to obtain key information on their sign code requirements. The complete results are included in the charts attached to this Staff Report.

This portion of the Staff Report will attempt to summarize the data obtained as simply as possible. However, each and every city's sign regulations are written and implemented in a different manner. Some cities share commonalities, which staff has attempted to illustrate in this report, but a sign code is unique and tailored to meet the individual community's needs and goals. The cities that were surveyed include:

Adelanto	Hesperia	Palm Springs
Apple Valley	Indian Wells	Rancho Mirage
Barstow	Indio	Twentynine Palms
Cathedral City	La Quinta	Victorville
Desert Hot Springs	Palm Desert	

Freestanding Signage-Single Tenant

Monument Signs

Out of 14 cities contacted, none of the cities allowed a monument sign taller than 9'. Permitted heights from the surveyed cities range from 5' in Barstow and portions of Indio to 9' in Hesperia provided the sign is located in a landscape planter. The Town allows monuments up to 8' in height. Twentynine Palms allows for height of 8', like Yucca Valley however a larger maximum square footage is permitted. The City of Twentynine Palms allows for a maximum of 75 square feet compared to the Town's 60 square feet.

Pole Signs

Nine (or 64%) of the 14 cities surveyed do not allow poles sign at all for single tenant properties including the city of Twentynine Palms. Height varies greatly from 15' in portions of Indio to 45' in other areas of Indio. Other cities surveyed allow heights ranging from 20 to 25 feet. The Town allows for heights not exceeding 12', unless a Design Merit or Landmark Sign is approved.

Freestanding Signage-Multi Tenant

Monument Signs

The height for the monument signs in multi-tenant centers is consistent with the heights allowed for single tenants. Eight cities only allow one monument sign per street frontage. The city of Twentynine Palms allows for two monument signs; however they must be at least 300' apart. The heights are similar to that of single tenant structures and range from 5' in Barstow and portions of Indio to 9' in Hesperia provided the sign is located in a landscape planter.

Pole Signs

Eight (or 57%) of the cities surveyed do not allow pole signs. This is one city less than for single tenants. That is because Apple Valley does not allow pole signs for single tenants, but they do for multi-tenant buildings. Heights vary among the cities. For example Apple Valley only allows a 6' tall pole sign on parcels less than 8 acres. The Town allows for 12' tall signs at fewer than 8 acres. Other heights are between 20' and 25', with the exception of Indio that allows heights of up to 45' in the Downtown Commercial, Regional Commercial and Industrial zoning districts subject to specific lot sizes

Wall Signs-Single Tennant

Six (or 43%) of the cities surveyed allow only one wall sign per building frontage and two only allow one sign per business. Cities such as Adelanto, Apple Valley, Hesperia, and Victorville have no limits on how many signs you can have but they cannot exceed the allowable square footage. Six (Or 43%) of cities have a ratio of 1 square foot of signage to 1 lineal foot of building frontage. Three (or 21%) of cities allow 2 square feet per 1 lineal feet. The other cities include Victorville at 3 square feet per 1 lineal foot of building, Desert Hot Springs at 1.5 square feet per 1 lineal foot, and Indian Wells with no ratio, but planned sign program required. Rancho Mirage has no ratio and limits the sign to 40 square feet. Barstow has different ratios for the different zoning districts. Their General Commercial and Commercial highway Districts are 3 square feet per 1 lineal frontage of the building and one square feet in the other districts.

Wall Signs-Multi-Tennant

With a few exceptions the requirements for multi-tenant signs are identical to the single tenant. Each business is allowed a minimum of one wall sign for business identification. The square footage ratio is identical to the single tenant ratios.

Alternatives: None recommended

Fiscal impact: N/A

Attachments:

1. Ordinance 156
2. Sign Information from surrounding communities

ORDINANCE NO. 156

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, CHAPTER 7 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY RELATING TO SIGN REGULATIONS (DCA-03-03)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED.

Title 8, Division 7, Chapter 7 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is further amended to read in its entirety as follows:

**"Chapter 7
Sign Regulations**

Sections	87.0710	Purpose and Intent
	87.0720	Definitions
	87.0730	Applicability
	87.0740	Administration
	87.0750	Sign Permits Required
	87.0760	Design Merit Sign Permit
	87.0770	Landmark Sign Permit
	87.0780	Prohibited Signs
	87.0790	Exempt Signs
	87.07100	Sign Program
	87.07110	General Design Standards
	87.07120	Signs in Residential, Open Space, & Public/Quasi Public Districts
	87.07122	Signs in Commercial Districts
	87.07124	Signs in Industrial Districts
	87.07128	Signs in Specific Plan Overlay
	87.07130	Temporary Signs
	87.07140	Off-Site Signs and Billboards
	87.07145	Off-Site Signs on Public Property
	87.07146	Public Facility Directional Signs
	87.07147	Wall Murals
	87.07150	Abandoned Signs
	87.07160	Construction and Maintenance
	87.07170	Nonconforming Signs
	87.07190	Enforcement

Section 87.0710 PURPOSE AND INTENT

The purpose and intent of this Chapter is to protect the general public health, safety, welfare, viewsheds and other aesthetic values of the community by ensuring that signage is clear, consistent and compatible with surrounding neighborhoods and the rural desert character of the Town; assure the implementation of community design standards consistent with the General Plan; promote the community's appearance by regulating the design, character, location, type, quality of materials, scale, color, illumination, and maintenance of signs; place limits on the use of signs which provide direction and aid orientation for businesses and activities; promote signs that identify uses and premises without confusion; reduce possible traffic and safety hazards through good signage. It is the further intent of this Chapter to establish flexibility based upon individual circumstances which includes building location in relation to adjacent structures, public rights-of-way, compatibility with surrounding development and visibility of the business location to the general public.

Section 87.0720 DEFINITIONS

Abandoned Sign. Any sign and supporting structures located on a property or premises which is vacant and unoccupied for a period of ninety (90) days or more which no longer advertises or identifies an ongoing business, product, or service available on the business premises where the display is located, or a sign which is damaged, in disrepair, or vandalized and not repaired within ninety (90) days of the date of the damaging event.

Advertising Statuary: A statue or other three dimensional structure in the form of an object that identifies, advertises, or otherwise directs attention to a product or business.

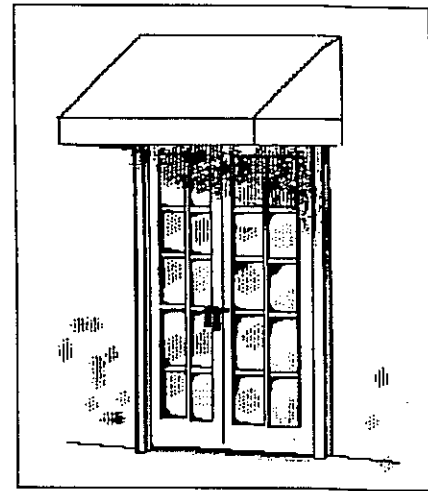
Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A".

Anchor Tenant. A shopping center key tenant, usually the largest or one of the largest tenants located within the shopping center, which serves to attract customers to the center through its size, product line, name, and reputation. The term anchor tenant is interchangeable with the term major tenant.

Animated or Moving Sign. Any permanently constructed monument, freestanding, or wall sign which uses movement, lighting, or special materials to depict action or create a special effect or scene.

Awning, Canopy, or Marquee Sign. Signs which are placed on or integrated into fabric awnings or other material canopies which are mounted on the exterior of a building which extend from the wall of a building to provide shielding of windows and entrances from inclement weather and the sun.



Banner, Flag, Pennant or Balloon. Any cloth, bunting, plastic, paper, vinyl, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State of California, County of San Bernardino or Town of Yucca Valley.

Bench Sign. Copy painted on any portion of a bus stop bench.

Billboard. Any off-premise outdoor advertising sign structure which advertises products, services, or activities not conducted or performed on the same site upon which the outdoor advertising sign structure is located and governed by the Outdoor Advertising Act.

Building Face and/or Frontage. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Building Wall: The individual sides of a building.

Business Entrance Identification: A sign adjacent to, or on the entrance door of a business which names, gives the address and such other appropriate information as store hours and telephone numbers.

Cabinet: A three dimensional structure which includes a frame, borders, and sign face panel and may include internal lighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

Canopy Sign. Refer to definition of a Shingle Sign

Center: A center contains businesses and buildings designed as an integrated and interrelated development sharing such elements as architecture, access, and parking. Such design is independent of the number of structures, lots or parcels making up the center.

Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.



Channel Letter Sign: Three dimensional individually cut letters or figures, illuminated or non-illuminated, affixed to a building or sign structure.

Civic Event Sign. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

Clear Sight Triangle: Triangular-shaped portion of land established at a street intersection or driveway in which no signs are placed in a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection or driveway.

Commercial Complex. A group of three (3) or more commercial uses on a single parcel or contiguous parcels which function as a common commercial area including those which utilize common off-street parking or access.

Commercial Sign. A sign that identifies, advertises or otherwise attracts attention to a product or business.

Construction Sign. A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

Directional Sign. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit".

Directory Sign. A sign for listing the tenants or occupants and their suite numbers of a building or center.

Double-faced Sign. A single structure designed with the intent of providing copy on both sides.

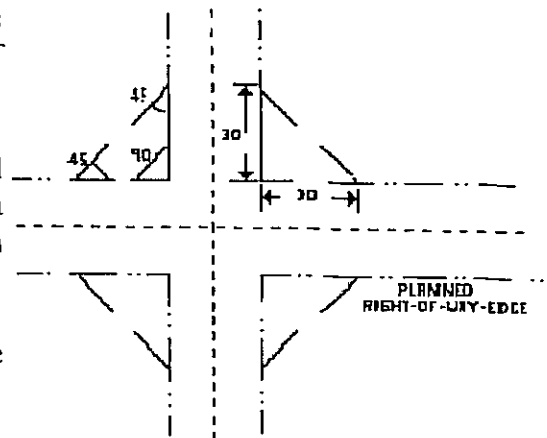
Eaveline. The bottom of the roof eave or parapet.

Entryway Sign: A sign which is placed on the perimeter of a recorded subdivision, townhouse project, commercial district, master planned community, hotel, motel, or guest ranch at a major street or driveway entrance to identify the name of the interior project. Such signs may flank both sides of the entrance and may include monument or landscape wall sign types.

Fascia Sign: A sign placed on a parapet type wall used as part of the face of a flat roofed building and projecting not more than one foot from the building face and may be incorporated as an architectural element of the building.

Flashing Sign. A sign that contains an intermittent or sequential flashing light source.

Freestanding Sign. Any sign which is supported by structures or supports that are placed on, or anchored in the ground which are independent from any building, such as a pole and monument



signs.

Future Tenant Identification Sign. A temporary sign which identifies a future use of a site or building.

Grand Opening. A promotional activity used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

Height of Sign. The greatest vertical distance measured from the immediate adjacent roadway grade level or existing grade, to the highest element of the sign structure

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

Illegal Sign. Any sign erected without first obtaining a sign permit, or a sign for which the permit has expired or been revoked.

Illuminated Sign. A sign with an artificial light source for the purpose of lighting the sign.

Institutional Sign. A sign identifying the premises of a church, school, hospital rest home, or similar institutional facility.

Kiosk. An off-premise sign used for directing people to the sales office or models of a residential subdivision project.

Logo. An established identifying symbol or mark associated with a business or business entity.

Logo Sign. An established trademark or symbol identifying the use of a building.

Model Home. A single family residential structure when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots.

Monument Sign. An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

Moving Sign. Animated signs or signs which contain any moving elements as part of the structure but does not include reflective, shimmering devices.

Nonconforming Sign. A legally established sign which fails to conform to the regulations of this Chapter.

Off-Site Sign. Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located.

Open House Sign. A temporary sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

Outdoor Advertising Sign Structure (Billboards) A sign, display, or device affixed to the ground or attached to or painted or posted onto any part of a building or similar permanent structure, used for the display of an advertisement to the general public.

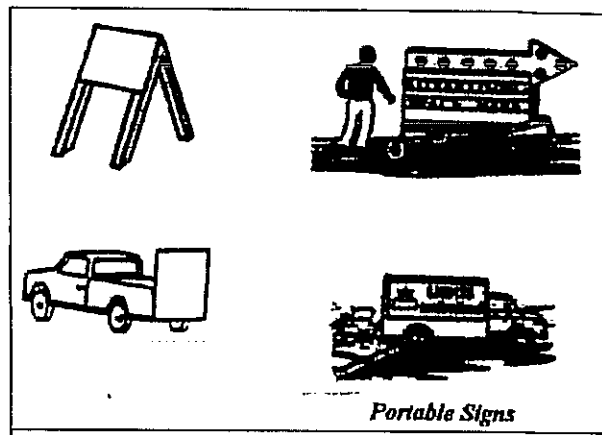
Pole/ Pylon Sign: A two-sided sign with an overall height as allowed by Code and having one or more supports permanently attached directly into or upon the ground with the lower edge of the sign face to be at least seven (7) feet above grade or four (4) feet above grade if the sign is located within a street landscape setback.

Political Sign. A temporary sign directly associated with national, state, county or local elections.

Portable Sign. A sign that is not permanently affixed to a structure or the ground, not including A-frame signs.

Projecting Sign. A sign other than a wall sign suspended from, or supported by, a building or structure and projecting outward.

Promotional Sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.



Real Estate Sign. An on-site sign pertaining to the sale or lease of the premises.

Roof Sign. A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

Shingle Sign (canopy sign). A sign suspended from a roof overhang of a covered porch or walkway that identifies the tenant of the adjoining space.

Sign. Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

Sign Area. The entire face of a sign, including any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be

measured by the area enclosed by straight lines not to exceed ten (10) sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures.

Sign Program. A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

Special Event. An event such as sales, grand openings, going out of business, or other promotional events that are not part of typical business, cultural, or civic activity.

Temporary Sign. A sign intended to be displayed for a limited period of time.

Tract. A residential subdivision of contiguous lots within a recorded tract where five or more lots are concurrently undergoing construction.

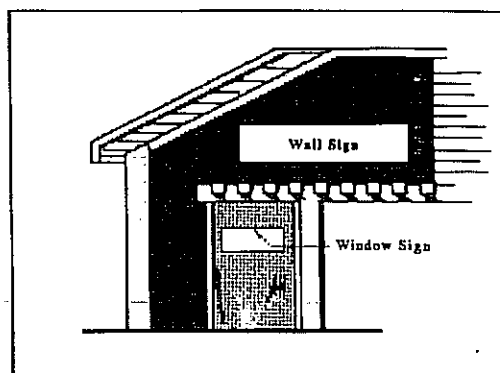
Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

Two-sided Sign. Means a freestanding sign where two identical sign faces are placed back to back on the same structure. Any other configuration is considered to be a sign with more than two faces except as allowed by the freestanding sign standards.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

Wall Sign. A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

Window Sign. Any sign that is applied or attached to a window so that it can be seen from the exterior of the structure.



Section 87.0730 APPLICABILITY.

This Chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established, except those signs specifically enumerated in this Chapter. The number and area of signs as outlined in this Chapter are intended to be maximum standards. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval, but shall not limit maximum standards for signs.

Section 87.0740 ADMINISTRATION

a. **Administration**

The Director of the Community Development Department is authorized by the Town Council to administer and enforce the provisions of this Chapter, unless otherwise provided in this Chapter. The Director may designate a representative to act in his/her place.

b. **Application and Fees.**

1. Applications for sign permits shall be made on forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms.
2. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
3. Political Signs are exempt from payment of fees.
4. Any fees shall be doubled for signs that are erected or placed prior to issuance of a sign permit or any required building and electrical permits.

c. **Interpretation**

1. This Chapter shall be interpreted in a manner which best fulfills the intent of its provisions.
2. Questions arising from the application of the Chapter shall be interpreted by the Director. If any inconsistency still exists in the interpretation, an appeal application shall be referred to the Planning Commission for their determination.

d. **Appeals**

1. Any decision or determination of the Director may be appealed within ten (10) days to the Planning Commission. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town of Yucca Valley fee schedule.
2. Any decision of the Planning Commission may be appealed to the Town Council in accordance with the Appeal provisions provided by the Development Code.

Section 87.0750 SIGN PERMIT REQUIRED

- a. No exterior sign shall be erected, placed, displayed, or dimensionally altered, without registration and the prior issuance of a Sign Permit by the Planning Division, unless exempted by *Section 87.0790 Exempt Signs*. Temporary Sign Permits are required for those designated under *Section 87.07130 Temporary Signs*. Sign Permits are not required for change of sign face/ copy, minor maintenance or minor repairs to existing legally erected signs. Building and/or electrical permits may also be required from the Building Division.
- b. The Director of the Community Development Department shall review all applications for consistency with this Chapter. The Director shall approve, or approve subject to modifications and/or conditions and consequently issue a sign permit, or deny the sign application.

- c. Signs shall be erected in conformance with the provisions of this Code and any applicable specific plan, master sign program, and any conditions of approval of the Sign Permit.
- d. Any proposed sign design that does not conform to the standards of this Chapter shall be subject to the variance provisions of this Development Code. The provisions of *Section 83.030905, Variance* shall apply. The Planning Commission may grant a sign variance based on findings, and it may be granted when property has special circumstances such as size, shape, topography, location or surroundings that deprive the property owner of privileges enjoyed by other property owners in the vicinity under identical zoning classifications. Applications for a variance shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town.

Section 87.0760 DESIGN MERIT SIGN PERMITS

The purpose of these provisions shall apply to permanent signs to provide flexibility in sign regulation and to encourage exceptional quality in sign design and construction. The provisions are intended to implement the goals and objectives of the Town’s General Plan; to encourage and promote designs which relate to and are harmonious with the rural desert character, and which enhance the quality of life of the Town.

- a. **Application and Fees** . Design Merit Sign Permits shall be made on Conditional Use Permit (CUP) application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate exceptional design and construction quality in order to be considered for Design Merit Sign Permits. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
- b. The Planning Commission shall review all applications for a Design Merit Sign Permit for consistency with the review criteria described in *Subsection (d)*, below, as well as consistency with all other standards and guidelines in this Chapter. Review shall include focus on the overall integration and relationship of the proposed sign with the buildings and site and the integration of all elements relating to the sign to achieve the purpose of this Section for exceptional quality that is harmonious with the desert character. Consideration may include size, color, materials, illumination, location, as well as all other elements of creative sign design and construction. Signs that do not clearly demonstrate exceptional quality in design, use of materials, and craftsmanship shall not be considered for any increase in size or height as allowable by this Section.
- c. **Allowable Sign Area and Height.**
 The following increases in sign area and height may be allowed when consistent with the purpose, criteria and findings of Design Merit Sign Permits.
 - 1. Freestanding signs in Commercial and Industrial land use districts.
 - A. Freestanding signs for single and multi-tenant buildings and sites that are allowed pursuant to *Sections 87.07122 and 87.07124* of this Chapter.
 - 1. Up to a maximum of twenty-five (25) percent increase in area may be allowed.
 - 2. Up to a maximum of fifty (50) percent increase in height for

freestanding signs may be allowed for signs.

d. **Review Criteria**

1. The General Design Standards included in *Sections 87.07122* and *87.07124* are minimum requirements that apply to all signs. Each Design Merit Sign Permit application shall be reviewed by the Planning Commission to determine how exceptional design and material beyond these minimum standards have been incorporated into the proposed sign and whether these elements have been successfully integrated to create a sign that is consistent with the purposes of this Section, which represents exceptional quality, enhances community design and is harmonious with the desert character because it:
 - A. Evokes a special relationship to the structure and uses located on site by incorporating elements of the structural architecture and/or natural features of the site, without dominating the site;
 - B. Makes use of high quality and/or natural or indigenous building materials including, but not limited to rock, adobe, timber, carved wood and incised lettering in stone;
 - C. Identifies the site or use without intensive sign copy (text) by use of graphic imagery and/or logo or utilizes reverse channel lettering or opaque sign field (background) with illuminated routed copy.
 - D. Sign structure is incorporated with landscape treatments including landscape planters, rockscapes, xeriscapes or similar creative landscape elements.
2. Treatments more specific to wall signs that may qualify for the Design Merit Permit include:
 - A. Graphic or logo sign only (without text or type face)
 - B. Reverse channel lettering on opaque background;
 - C. Base-relief lettering.

e. Prior to approving a Conditional Use Permit application for a Design Merit Sign Permit, the Planning Commission shall find and justify that all of the following are true:

1. The proposed sign exhibits exceptional design quality and incorporates high quality materials that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;
2. The proposed sign is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;
3. The proposed sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;

4. The proposed sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable specific plan;
5. That granting the Design Merit Sign Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided in *Subsection d* above and by *Sections 87.07122 and 87.07124* of the Development Code.

Section 87.0770 LANDMARK SIGN PERMIT

The purpose of these provisions shall apply to existing permanent signs to provide flexibility in sign regulation that provide landmark value to the community as well as structural sign support. Landmark signs shall evoke a ready reference and connection to the local history of the Town or symbolic landmark. Typical examples include western settlement themes associated with ranching, prospecting, mining, adobes, or extensions of similar architectural landmarks.

- a. **Application and Fees** . Landmark Sign Permits shall be made on Conditional Use Permit application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate the landmark quality and features of the proposed sign in order to be considered for the Landmark Sign Permit. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
- b. The Planning Commission shall review all applications for the Landmark Sign Permit for consistency with the review criteria and finding described below, as well as reference and connection to the local history or symbolic landmark of the Town. Review shall include consideration of size, color, materials, illumination, location, as well as all other elements of creative sign design and construction.
- c. **Review Criteria.** The following criteria will be used to provide guidance during the Town's review. A landmark sign should meet one or more of the following criteria:
 1. The sign shall be at least 25 years or older.
 2. The sign shall exhibit a creative or unique sign design, creative or unique graphics, or construction
 3. The sign structure advertises the original business center name or business name.
 4. The sign display signs must be clean, neatly painted, free from corrosion, cracks, and broken surfaces. The sign shall also have no malfunctioning lights or missing sign copy.
- d. **Findings.** Prior to approving a Conditional Use Permit application for a "Landmark Sign Permit", the Planning Commission shall find and justify that all of the following are true:
 1. The sign is distinct from other signs in the Town in that it clearly provides a reference and connection to the local history of the Town or a local symbolic landmark.

2. The sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;
3. The sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable plan;
4. That granting of the Landmark Sign Permit is based upon its distinct quality.
5. The sign and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion.

Section 87.0780 PROHIBITED SIGNS

Unless otherwise determined by the Director, the following signs are inconsistent with the sign standards set forth in this Chapter, and are therefore prohibited:

- Abandoned signs and supporting structures
- Chalkboards or blackboards
- Permanent sale or come-on signs
- Portable signs (except A-frame)
- Roof signs
- Signs painted on fences or roofs
- Large balloons or other large inflatable devices
- Signs that are affixed to vehicles that are purposely parked and serve as an advertisement device.
- Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
- Signs which incorporate in any manner any flashing, moving, or intermittent lighting.
- Animated or moving signs or signs which contain any moving parts.
- Banners and Flags (see *Section 87.0130 Temporary Signs*)

Section 87.0790 EXEMPT SIGNS

The following non-illuminated signs shall be permitted without the requirements of a sign permit obtained from the Director of Community Development Department subject to limitations provided in this Chapter or as otherwise provided by State law:

- a. **Exempt Residential Signs:**
 1. One (1) residential building identification sign, used to identify individual residences, not exceeding 2 square feet in area displaying the name of the owner, occupant, or specific property name.
 2. Address numbers shall be placed upon existing and on newly constructed primary dwelling units. Numbers shall be a minimum of 4 inches in height and shall be contrasting in color to the background. Numerals shall be illuminated during hours of darkness.

3. One (1) double faced real estate advertising sign, for sale, lease or rent of a single-family residence and residential lots:
 - A. Such sign shall not exceed nine (9) square feet in area and six (6) feet in height.
 - B. Such sign shall be situated within the property line and in no event shall encroach upon public right-of-way. Such sign shall remain only during the period of time that the premises are being offered for sale, lease or rent and in any event shall be removed fifteen (15) days after the property is sold or the lease is terminated. Property is deemed to be sold upon the close of escrow, upon transfer of legal title, or upon execution of an installment sale, contract, whichever occurs first.
 - C. Open House signs, for the purpose of selling a single house or condominium and not exceeding nine (9) square feet in area and six (6) feet in height, are permitted for directing prospective buyers to property offered for sale.
 - D. Three (3) Open House banners per dwelling unit are allowed on the lot where the open house is conducted with a maximum sign area of sixteen (16) square feet each, for a period not to exceed three (3) days.
4. Until such time as a formal kiosk program is implemented by the Town Council, temporary off-site weekend directional signs shall be permitted for purposes of providing direction subject to the following regulations:
 - A. Maximum area of a directional sign shall not exceed three (3) square-feet nor shall the maximum height of any part of the sign exceed height of three (3) feet.
 - B. Signs shall only be posted on weekends between 3:00 p.m. on Friday and 8:00 a.m. on Monday, or between 3:00 p.m. on the day preceding a holiday occurring on Friday and 8:00 a.m. on the following Monday, or between 3:00 p.m. Friday and 8:00 a.m. on the following Tuesday following a holiday occurring on a Monday.
 - C. Signs shall be posted in the right-of-way.
 - D. There shall be no more than one (1) sign per direction of traffic at any intersection.
 - E. Signs shall be at least five hundred (500) feet from any other sign for the residential development, except at intersections. Signs shall not be within twenty (20) feet of a sign for any other residential development and shall in no way obscure, obstruct, detract, or interfere with any traffic or safety sign.
 - F. Signs left within the right-of-way beyond the time specified in *Subsection (B)* above will be removed by Town forces and any costs for removal will be billed to the project developer

b. **Exempt Commercial Signs:**

1. Window signs not exceeding three (3) square feet and limited to business identification, hours of operation, and emergency information.
2. Non-illuminated real estate signs for the initial sale, rental, or lease of commercial and industrial premises subject to the following:

One (1) sign per street frontage not to exceed 32 square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight (8) feet in overall height and shall be removed upon sale, lease or rental of the premises or 24 months, whichever comes first. Thereafter, one sign per premise not to exceed 16 square feet in size and eight (8) feet in height is permitted for the sale, lease or rent of the premise.
3. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign per street frontage or entrance, up to a maximum of two signs, identifying all contractors and other parties (including lender, realtor, subcontractors, etc.). Each sign shall not exceed 32 square feet in area and eight (8) feet in height. Each sign shall be removed prior to issuance of a Certificate of Occupancy.
4. One (1) building identification sign, used to identify individual buildings, not exceeding two (2) square feet in area displaying only the name of the owner or occupant.
5. Address numbers shall be placed upon existing and on newly constructed primary buildings. Number height shall be in accordance with the Fire Department requirements. Numerals shall be illuminated during hours of darkness.
6. Vacant commercial parcels may have real estate freestanding signs which do not exceed a maximum of eight (8) feet in height with a maximum of two (2) signs not to exceed an area of sixteen (16) square feet each, not to exceed a combined total of 32 square-feet.
7. Signs located within a structure and not visible from the outside of the building or not so located as to be conspicuously visible from the outside.
8. Memorial signs and plaques installed by a civic organization provided they shall not encroach upon public right-of-ways.
9. Official and legal notices issued by a court or governmental agency.
10. Official flags of the United States, the State of California, County of San Bernardino, Town of Yucca Valley, and nationally or internationally recognized organizations.
11. Official traffic, fire and police related signs, temporary traffic-control signs used

during construction, utility facilities, substructure location, identification signs, markers required to protect said facilities, and other signs and markers required by the Town, Caltrans, or other public agency.

12. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty (60) days in any one (1) calendar year.
13. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs showing notices required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:
 - A. The signs number no more than four.
 - B. No such sign projects beyond any property line.
 - C. No such sign shall exceed an area per face of three square feet.
 - D. Signs may be double-faced.
14. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.
15. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and 16 square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than eight (8) feet.
16. Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area that does not exceed three (3) square feet, have a maximum overall height of four (4) feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five (5) feet from any property line is maintained. Directional signs may display an arrow or other directional symbol and/or words, including but not limited to "parking", "enter", "exit", "do not enter", "drive-through", and other similar messages.
17. Notices or signs required to be posted by law.
18. Signs located within recreational facilities such as baseball fields, stadiums and other similar facilities that advertise local businesses and other sponsors for sporting activities.
19. Official Town signs which incorporate reflective, shimmering discs, or similar elements.

Section 87.07100 SIGN PROGRAM

- a. **Sign Program Required.** A sign program shall be developed for all new commercial, office, and industrial centers. The purpose of the program is to integrate signs with building and landscaping design to encourage a unified architectural statement. This shall be achieved by:
- The use of the same background color, and allowing signs of up to three (3) different colors per multi-tenant center.
 - The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.
 - Utilizing the same form of sign illumination.
 - Logos may be permitted and are not subject to the color restrictions specified in the program and serve as supplementary advertising devices to the sign(s).
- b. **Application Requirements.** In addition to any application form and fee, the following information is required for review of a sign program:
- 1 Site plan, to scale, indicating the location of all existing and proposed freestanding signs with sign area dimensions, colors, material, letter type, letter height, and method of illumination;
 2. Building elevation(s), to scale, with sign location shown and dimensioned;
 3. Sign details indicating sign area, dimensions, color, materials, letter style, letter height, and method of illumination.
- c. **Design Guidelines.** The following guidelines are encouraged in developing a sign program.
1. A theme, styles, types, color or placement of signs that will unify and identify the center and integrate the signs with the building design should be provided. Consideration should be given to the different types of tenants (e.g. major and minor) and placement locations consistent with the architectural design;
 2. Sign color should compliment the building color. In general, the number of primary colors on any sign shall be limited to no more than two with secondary colors used for accent or shadow detail. Variations in color may be used as long as the remaining components of the program remain consistent with the overall program;
 3. The same type of cabinet supports or method of mounting for signs of the same type shall be used;
 4. The same type of construction material for same components, such as monument sign bases, panels, cabinets, and supports shall be used;
 5. Consideration should be provided for logos or trademarks.
- D. **Approval.** The Director shall have the authority to approve, conditionally approve, or deny a sign program based on the findings that the proposed sign program is in compliance with the

purpose of this Section.

Section 87.07110 GENERAL DESIGN STANDARDS:

The purpose of this Section is to assist professional sign designers and the general public in understanding the Town's goals and objectives for achieving high quality, efficient signage within the Town. These standards will be used to encourage a high degree of sign quality while providing flexibility necessary for creativity on the part of sign designers. The criteria and standards in this section apply to all sign proposals. The standards should be followed unless the purpose of this Chapter can better be achieved through other design techniques.

a. **Computations** The following methods shall be used to measure sign height and sign area.

1. **Sign Height**

A. **Pole Sign**

1. The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
2. Where the finished grade level is above or below street level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.

B. **Monument Sign**

1. The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
2. Where the finished grade level is above street level, and/or a planter or retaining wall exists, the height shall be the vertical distance measured from finished grade to the highest point of the sign structure.
3. Where the finished grade level is below street grade level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.

2. **Sign Area**

The entire surface area within a single continuous perimeter, not to exceed ten (10) sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures, face of building and incidental parts shall constitute sign area. Signs placed back to back shall be taken as the area of one face if the two faces are of equal area or of the area of the larger face if the two are of unequal area.

c. **Sign Copy**

1. Letter size shall be proportional to the background and overall sign size.
2. Graphics consistent with the nature of the product to be advertised are encouraged. However, these shall be considered as part of the sign area.

3. Logos are encouraged but are considered part of the sign area.
4. Signs which incorporate electronic message boards shall be subject to review and approval by the Planning Commission.
5. Electronic message areas shall not exceed 25% of the total sign area of the sign structure it is attached to.

d. **Materials**

1. All signs, except those provided for under Temporary Signs shall be permanent in nature and should reflect the architectural design of structures and natural features of the site by containing unifying features and materials.
2. High quality and natural materials, such as exterior grade building materials are encouraged.
3. Freestanding/monument signs shall incorporate lighting, colors, planters, or other architectural treatment to enhance the visual element of the installed sign.
4. Poles or other supporting structures for freestanding signs shall incorporate architectural treatments, landscape planters, or similar structural enhancements.

e. **Illumination**

1. **Preservation of the Night Sky**

- A. All signs shall comply with *Chapter 8.70* of Title 8 of the Yucca Valley Municipal Code relating to Regulations for Outdoor Lighting.
- B. Off-white shades shall be encouraged for sign background color in lieu of pure white.
- C. The use of dark background coloring and lighter shades for lettering is highly encouraged.

2. **Neon Signs**

- A. **Exterior Signs:** Neon tubing may be permitted as a material in exterior signs subject to the following:
 1. Exterior neon signs shall be permitted only in commercial zones.
 2. Within shopping centers, neon signs may be allowed as a part of a sign program.
- B. **Interior Neon Signs:** Neon tubing may be permitted as a sign material for interior window signs subject to the following:
 1. Permitted in commercial zones only.
 2. No more than two (2) neon window signs shall be permitted per

business.

e. **Clear Sight Triangles**

All signs shall comply with the provisions of the Development Code regarding clear sight triangles which includes the following:

1. There shall be no monument signs allowed within a clear sight triangle.
2. There shall be no more than two (2) posts or columns, each with a width or diameter no greater than twelve (12) inches, within a clear sight triangle.
3. When a freestanding sign is located within a clear sight triangle, the lower edge of the sign face shall be at least eight (8) feet above grade.

Section 87.07120 SIGNS IN RESIDENTIAL, OPEN SPACE, PUBLIC/ QUASI PUBLIC DISTRICTS

No sign, outdoor advertising structure, or display of any kind shall be permitted in Residential, Open Space, and Public and Quasi Public land use districts, except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **On Site Subdivision, Mobile Home Park and Multi-Family Identification.**

1. One (1) monument sign per each public street frontage, not to exceed two (2) such signs with a maximum of twenty-four (24) square feet in area each, and six (6) feet in height. The sign shall be set back a minimum of five (5) feet from any property line.
2. Sign copy shall be limited to the name of complex, address, and complex manager's phone number.
3. One directory sign per vehicle entrance to multi-residential developments of 12 or more units or mobile home parks, not to exceed four (4) feet in height and 24 square feet in sign area to be located within required front yard or street side yard.

b. **Signs for Non-Residential Uses**

Non-residential uses located in Residential, Open Space, or Public and Quasi Public land use districts such as institutional uses including churches, schools, funeral homes, cemeteries, recreational uses, and agriculture related signs may be permitted. More than one sign may be allowed provided that the maximum cumulative sign area is not exceeded.

1. One (1) monument sign per each public street frontage, not to exceed two (2) such signs with a maximum of twenty-four (24) square feet in area each, and six (6) feet in height and may not extend above a wall or fence. The sign shall be set back a minimum of five (5) feet from any property line.
2. Non- illuminated wall signs may be permitted a cumulative sign area per building frontage of one (1) square foot per each one (1) foot of building frontage with a maximum of two (2) signs. Wall signs shall not be located above an eave, roof line or

parapet.

3. **Signs for Cemeteries or Memorial Parks.** Entryway signs not to exceed twenty-four (24) square-feet in area mounted on decorative driveway entryway wall/fencing.

Section 87.07122. SIGN IN COMMERCIAL DISTRICTS

No sign, outdoor advertising structure, or display of any kind shall be permitted in Commercial District except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **Single Tenant Building**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs on parcels with 150 feet of frontage and greater shall be based on one (1) square-foot per five (5) linear feet of street frontage on which the sign is located. No single sign shall exceed sixty (60) square-feet in area.
- B. A maximum 30 square foot freestanding sign is allowed on any parcel with less than 149 feet of street frontage.
- C. Maximum height of a monument sign shall not exceed eight (8) feet or a maximum height for a pole sign not to exceed twelve (12) feet with the lower edge of the sign face to be at least seven (7) feet above grade or 4 foot clearance if located within a landscape setback.
- D. Any single sign 25 square-feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.

3. **Shingle Signs** Small suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three (3) feet from building face.
- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

4. **Projecting Signs** A projecting sign may be permitted subject to the following:
 - A. In lieu of a permitted building wall sign, a double faced projecting sign may be installed and placed at angles provided they do not exceed 60 degrees, provided such sign does not exceed the size allowance.
 - B. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building and projects not more than three (3) feet from building face and does not extend above the roof line.

b. **Commercial Complexes & Multiple Tenant Buildings**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one linear foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.
- B. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed three hundred (300) square-feet in area.
- C. Any single sign 25 square-feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.
- D. Maximum height of freestanding signs shall comply with the following:

Road Designation Per Circulation Element of General Plan	Net Center Area	Max. Sign Height
Highway	15 acres or more	25 feet pole or pylon
Highway	8 to 14.99 acres	15 feet pole or pylon
Highway	Less than 8 acres	In accordance with Sec. 87.07122
Arterial	Any size	In accordance with Sec. 87.07122
Collector or Other	Any size	In accordance with

- E. Freestanding building pads located adjacent to a highway or street may be permitted a monument sign not to exceed 25 square-feet.
- F. All freestanding signs shall reflect high quality, enhance community design and be harmonious with the desert character through the following:
 - 1. Evokes a special relationship to the structures and uses located on the site by incorporating elements of the structural architectural and/or natural features of the site;
 - 2. Makes use of high quality and/or natural building materials, including but not limited to, rock, adobe, timber, carved wood and incised lettering in stone;
 - 3. Identifies the site or use without extensive sign copy (text) by use of graphic imagery and/or logo.
- 3. **Shingle Signs.** Small projecting or suspended signs may be permitted subject to the following:
 - A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three (3) feet from building face.
 - B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.
- c. **Pedestrian Sidewalk (A-Frame) Sign.**
 - A. One pedestrian (A-frame) sign per tenant, not to exceed 2'x3' or 6 square-feet for each side of sign area shall be permitted when placed on the sidewalk adjacent to the business and in no case shall be lined along the street frontage and within any right-of-way.
 - B. The sign shall be appropriately anchored with a bolt system or other methods to ensure the sign is properly secured and the sign is not left out overnight at any time.
 - C. The sign shall not be located in a landscape planter or a location which may create an impediment to pedestrian, disabled, or emergency access.
 - D. Balloons, banners, flags, lights, or other similar items shall not be attached to or made a part of the sign.
- d. **Window Sign**
 Windows with permanent and/or temporary signage are allowed if they do not cover more than 50% cumulative total of permanent and temporary signage of the individual window

surface and shall be removed upon non-occupancy.

e. **Service Station-Identification**

1. **Freestanding Signs:**

- A. On-premises/Price Freestanding Sign. One maximum thirty (30) square-foot, including price advertising as required by State law sign per street frontage.
- B. Service stations, whether situated on an independent parcel, or incorporated as part of a commercial, industrial or office complex, shall have independent freestanding sign rights.

2. **Building and Pump Island Canopy Signs**

- A. Building wall and canopy signs shall be limited to two signs totaling no more than thirty-six (36) square-feet in combined display area. For service stations with multiple tenants, one additional building wall sign shall be allowed for each use, with a maximum combined sign area limit of fifty (50) square-feet.

3. **Pump Island Signs**

- A. One (1) non-illuminated wall or ground sign for each pump island, not to exceed a total of four (4) per station, with a maximum sign area of two (2) square feet per face. Special service signs shall be limited to such items as self serve, full serve, air, water, cashier, and shall be non-illuminated. Price signs must meet requirements of the California Business and Professions Code.

- f. **Drive-through Restaurant Menu Boards.** In addition to the provisions for freestanding commercial business under *Subsection (b)(2)* of this Section, fast food restaurant with drive-thru or walk up facilities may be allowed up to two (2) menu or reader boards with a maximum area of twenty-five (25) square-feet each. Any pictures, photographs, representations, or logos within the perimeter of the board shall be included in the computation of maximum area for such boards.

Section 87.07124 SIGNS IN INDUSTRIAL DISTRICTS. No sign, outdoor advertising structure, or display of any kind shall be permitted in an Industrial District, except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **Single Tenant Building**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does

not exceed the allowable square-footage.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed sixty (60) square-feet in area.
- C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.

3. **Shingle Signs** Small suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy
- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

b. **Industrial Complexes & Multiple Tenant Buildings**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.
- B. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed two hundred (200) square-feet in area.
- C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.

3. **Shingle Signs** Small projecting or suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or

projects not more than three (3) feet from building face.

- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

Section 87.07128 SIGNS IN SPECIFIC PLAN (SP) DISTRICTS

Sign Programs for special or unique uses as a part of a specific plan may be approved containing standards other than provided in this Chapter except that the provisions of Section 87.07100 *Sign Program* shall apply.

Section 87.07130 TEMPORARY SIGNS. Temporary signs shall not be installed prior to the issuance of a Temporary Sign Permit.

a. **Special Events (Charitable Community Events)**

- 1. **(Charitable Events)** Temporary Special Event Signs for Charitable Community Events (charitable events, fund raising sales and other similar community events) may be permitted as a means of publicizing an event for a limited, specified period subject to the following restrictions:

- A. Signs shall be removed promptly at the end of the special event or the display period but not to exceed 30 days, which ever occurs first.

- B. One (1) banner located on a building wall shall be allowed for non-profit, religious, charitable or fraternal organizations when used for the temporary advertising of special events, provided it does not exceed sixty (60) square feet.

- C. Where no building exists, one (1) thirty-two (32) square-foot banner detached from any building is allowed, provided it is announcing a charity or community event and is being displayed on the property in which the community or charity event is to take place.

- D. Provided consent of the property owner is granted in writing, a nonprofit, religious, charitable (501c3) or fraternal organization may display one "A" frame off-site temporary directional sign along either SR 62 or SR 247 for no more than three (3) events annually to advertise a charitable event, provided:

- 1. The sign is neither located within the public right-of-way or creates a visual obstruction for drivers of vehicles.

- 2. The sign complies with *Section 87.07122(b)(4)* of this code and may be displayed for the duration of the charitable community event.

- 2. **Civic Community Events:** Temporary Special Event Signs for Civic Community Events (holiday parades, festivals, and other similar civic events) where the Town is either a sponsor or co-sponsor of the event may be permitted as a means of publicizing an event for a limited specified period subject to the following restrictions:

- A. Signs shall be removed promptly at the end of the special event or the display period which ever occurs first but not exceed 30 days.

- B. Up to six (6) building wall mounted banners shall be allowed for civic organizations when used for temporary advertising special civic events provided each banner does not exceed one hundred (100) square feet and consent of the property owner is granted in writing.
- C. One 60 square-foot freestanding banner is limited to the site in which the event is to take place and cannot be located within the public right-of-way or create a visual obstruction for drivers of vehicles. Except that provided consent of the property owner is granted in writing, one (1) temporary banner not exceeding sixty 60 square-feet may be installed at each Town entryway along SR 62 to 30 days prior to the event and removed promptly at the end of the special event.

b. **Subdivisions and Model Home Signs (Temporary)**

The following shall apply to tracts and model home signs except for signs within developments with an adopted sign program, pursuant to *Section 87.07100*.

1. **On-site Freestanding Signs**

Freestanding signs shall be limited to one sign per street frontage and shall be located 10 feet from any street right-of-way on the project site. All signs shall be removed within 30 days after the sale/rental of the last unit in the project/subdivision. Refer to *Section 87.07140(b) & (c)* for regulations pertaining to off-site subdivision signs.

- A. For subdivisions up to 5 acres, one (1) sign is allowed, not to exceed a maximum sign area of 16 square feet, and not to exceed a maximum sign height of eight (8) feet.
- B. For subdivisions 5 to 40 acres, two (2) signs are allowed, not to exceed a maximum sign area of 16 square feet, and not to exceed a maximum sign height of eight (8) feet.
- C. For subdivisions more than 40 acres, two (2) signs are allowed, with a maximum of 32 square feet of sign area each, and eight (8) feet in height.

c. **Temporary Commercial and Industrial Signs.** Temporary commercial and industrial signs to publicize sales, new merchandise, close-outs, grand openings or other similar events may be permitted subject to the following restrictions:

- 1. A permit may be issued for temporary signs provided that a permit may not be issued to an applicant unless a period of time has elapsed which is two (2) times the length of time that the previous sign was permitted.
- 2. Temporary window signs may be permitted on outside facing windows if the cumulative total of any permanent and temporary signage (excluding open/close signs) does not cover more than 50% of the individual window surface.
- 3. Special event signs may include search lights, beacons, and small balloons; however, the display of such devices shall be limited to 2 days or less or the duration of the event.

4. One thirty two (32) square-foot, 8 foot-high non-illuminated freestanding sign per street frontage located on the subject property advertising a future facility/business or tenant provide the temporary sign is located ten (10) feet from any right-of-way and the sign is removed upon occupancy of the building.
5. **Banners and Flags:**
 - A. No banners, flags, pennants, hulas, streamers shall be displayed without a permit.
 - B. One banner not exceeding sixty (60) square-feet shall be permitted to advertise a special event provided the banner is attached to the space advertising the special event in accordance with the time frames specified above. However, in lieu of a building wall banner, one-thirty-two (32) square foot of sign area may be permitted for a maximum of thirty (30) calendar days that may be located on the property to advertise seasonal sale items such as pumpkins or Christmas trees.
 - C. The business owner/applicant shall immediately remove any banner, flag, pennant, hula and streamers determined to be tattered, torn, faded, no longer tightly attached to the building, abandoned, or non-maintained.
 - D. Pennants, hulas, streamers and other similar devices shall be limited to fleet services (i.e. car lots). The strings on which pennants, hulas, streamers and other such devices are hung, where permitted, shall be limited in length to not more than one and one half (1/2) times the street frontage of the property or tenant/building frontage.
 - E. Banners, flags, pennants, hulas and streamers shall not be displayed above the roof line of the building.
 - F. One maximum fifty (50) square-foot banner identifying the name of a new business may be displayed for no more than ninety (90) days.

d. **Political Signs (Temporary)**

Temporary political signs are exempt from Temporary Sign Permit fees, and are permitted on private property in all land use districts subject to the following limitations:

1. Signs shall not be displayed more than forty-five (45) days prior to an election, and shall be removed within fifteen (15) days after the same election.
2. Political signs shall have a maximum area of eight (8) square feet in residential land use districts and thirty-two (32) square feet in all other land use districts.
3. Such signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

4. Such signs shall not be nailed or affixed to any tree, fence post or public utility pole and shall not be located in the public right-of-way or publicly owned land.
5. Such political signs shall be affixed in such a manner that they can be easily removed.

Section 87.07140 OFF-SITE SIGNS AND BILLBOARDS

a. Billboards

No new off-site advertising sign structures shall be located within the Town. Any owner of an existing permitted off-site billboard sign may replace such sign on the same site with another off-site billboard sign when located in the commercial land use districts subject to obtaining a Conditional Use Permit in accordance with the provisions of *Chapter 83.03105*. The following conditions shall apply:

1. The advertising display area of the replacement sign shall not exceed the display area of the existing sign or signs to be replaced and in no event shall it be greater than 200 square feet per face with a maximum of two faces. Display area does not include decor or pole covers.
2. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be maintained at the same existing height. It shall be located so that no materials or structural feature, except poles or pilasters, shall extend into the cross visibility area between ground level and lower edge of the billboard sign.
3. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be treated so as to screen the billboard lighting from public view. The color and materials shall be subject to approval pursuant to the provisions of this Section.
4. The sign structure shall be located no closer than ten (10) feet to any property line.
5. Under no circumstances shall more than one new sign be erected to replace one sign removed.
6. The replaced sign(s) shall be removed prior to the use of the replacement sign.
7. The sign and structure shall be continuously maintained in an attractive, clean, and safe condition pursuant to this Section.
8. The sign structure shall not constitute a traffic hazard because of sign shape or its location in relationship to an official public traffic sign or signal.
9. The sign structure shall not contain any flashing or blinking light material, or mechanically activated or animated devices.
10. The sign structure shall be located in such a manner that it does not block the view of any on-site advertising sign on the same or adjoining parcels.

b. Off-Site Residential Subdivision Directional Signs

The following shall regulate and establish a standardized program of off-site residential and subdivision directional kiosk signs for the Town. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

1. **Kiosk Signs.**

A. The panel and sign structure design shall be in accordance with Fig 10.

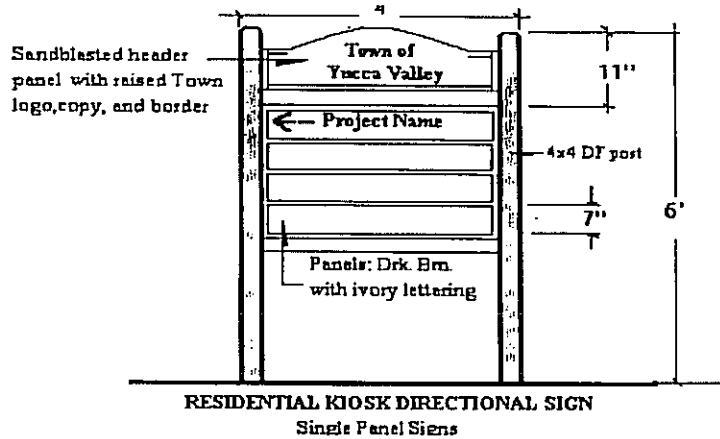


Figure 10

- B. A kiosk sign structure shall be located no less than 300 feet from an existing or previously approved Kiosk site, except in the case of signs on different corners of an intersection.
- C. The placement of each kiosk sign structure requires review and approval by the Community Development Director.
- D. All kiosk signs shall be placed on private property with written consent of the property owner or on Town right-of-way pursuant to issuance of a Town of Yucca Valley encroachment permit.
- E. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a Sign Permit.
- F. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. No other non-permitted directional signs, such as posters or trailer signs, may be used.
- G. All non-conforming subdivision kiosk directional signs associated with the subdivision must be removed prior to the placement of directional kiosk sign(s).
- H. Kiosk signs, or attached project directional signage, shall be removed when

the subdivision is sold out. The entity administering the program will be responsible for removal of panels and structures no longer needed.

- I. All kiosk sign structures shall conform with the following standard regulations:
 1. No more than one panel per development per side of a kiosk sign is permitted.
 2. Double sided kiosk signs are permitted.
 3. Kiosk sign panels may only contain the name of the subdivision, a directional arrow, and one sign copy color as indicated Figure 10.
 4. Kiosk sign structures with different size structures for major and local streets shall be considered by the Director or his/her designee. Design, size and height of kiosk structures and panels shall require approval of the Community Development Director.

- c. **Interim Temporary Off-Site Residential and Subdivision Signs.** Until such time as a Kiosk program is implemented by the Town Council, temporary off-site residential and residential subdivision signs shall be allowed subject to the approval of a Temporary Sign permit. Signs shall be of quality or near quality in composition normally associated with professionally manufactured signs.

Temporary off-site residential and subdivision signs shall be permitted subject to the following regulations:

1. **Residential Subdivision Signs:** For subdivisions as defined in this subsection, all signs shall conform to the following standards:
 - A. A maximum of four (4) off-site signs per subdivision shall be permitted.
 - B. The maximum area of any sign shall not exceed thirty-two (32) square-feet and no dimension shall exceed eight (8) feet.
 - C. The maximum height of any part of the sign shall not exceed eight (8) feet.
 - D. Signs shall be located a minimum of five hundred (500) feet from any other sign for the same subdivision and at least one hundred (100) feet from any other subdivision sign, except at intersections.
 - E. Signs shall not be located within any clear sight triangle as required by this Code.
 - F. Signs shall not be located closer than five (5) feet from the edge of the planned or ultimate right-of-way of any street.
 - G. Such off-site signs shall be permitted only on vacant property with written authorization from the property owner.

- H. No flags or banners shall be permitted for off-site sign.
 - I. Temporary Sign Permits shall be valid for twelve (12) months. Permits shall be renewed every twelve (12) months.
 - J. At the completion or build out of a subdivision all signs shall be promptly removed.
 - K. If after one hundred eighty (180) days no construction activity has occurred, all signs shall be promptly removed.
2. **Residential (Non Subdivision) Signs:** For residential development all signs shall conform to the following standards:
- A. A maximum of four (4) off-site signs per residence under construction shall be permitted.
 - B. The maximum area of any sign shall not exceed four (4) square-feet and no dimension shall exceed two (2) feet.
 - C. The maximum height of any part of the sign shall not exceed four (4) feet.
 - D. Signs shall be located a minimum of five hundred (500) feet from any other sign for the residence under construction and at least one hundred (100) feet from any other residential sign, except at intersections.
 - E. Signs shall not be located within any clear sight triangle as required by this Code.
 - F. Signs shall not be located closer than five (5) feet from the edge of the planned or ultimate right-of-way of any street.
 - G. Such off-site signs shall be permitted only on vacant property with the property owners written authorization.
 - H. No flags or banners shall be permitted for off-site sign.
 - I. Temporary Sign Permits shall be valid for twelve (12) months. Permits shall be renewed every twelve (12) months.
 - J. Such sign shall remain only during the period of time that the residence is being offered for sale and in any event shall be removed ten (10) days after the property is sold. Property shall be deemed sold upon the close of escrow or upon transfer of legal title, whichever occurs first.

Section 87.07145 OFF-SITE SIGNS ON PUBLIC PROPERTY

Private advertising signs may be placed on structures in the public right of way, such as bus shelters, if there is a licensing agreement approved by the Town Council authorizing such off-site signs on public property. An application for a sign permit must be approved prior to the construction of off-site signs on public property; and the applicant and the owner of the sign shall comply with the

provisions of *Section 87.07160* regarding sign construction and maintenance standards.

Section 87.07146 PUBLIC AND INSTITUTIONAL FACILITY DIRECTIONAL SIGNS

a. Intent

It is the intent of this section to establish criteria for those signs used to identify public facilities that are either public service integrated and Town owned or acknowledged through joint partnership agreements and institutional uses.

Public and institutional facilities signs play an important role in guiding and directing citizens and visitors to public and institutional facilities within the Town. Additionally, it is important with current sign issues on SR62 and on local roads that the installation of directional signs does not create additional sign clutter following installation. It is the intent of this section to establish guidelines for primary Town owned and operated public facilities and institutional facilities. Prior to consideration of approval for installation of the directional signs, the Traffic Commission and Town Council shall carefully consider the use of the public facility and institutional facility and the need for directional signing both along the state highway and/or on local roads.

b. Justification: A Directional Sign for the purposes of identifying site location is warranted when any of the following facility criteria are met:

1. The facility is public service integrated, i.e. official Federal, State, County of San Bernardino, Town of Yucca Valley facilities, as well as regionally and community significant park facilities, and institutional facility.
2. The facility is owned or operated by the Town of Yucca Valley.
3. The facility is involved in a current joint partnership agreement with the Town.

c. Appearance:

1. Signs to be installed along State Highways:
 - A. All signs installed along State highways shall conform to the height, size and color requirements as stipulated in the CalTrans *Traffic Manual*.
2. Signs to be installed along roads within Town right-of-way:
 - A. All signs shall be constructed of aluminum alloy material and include an engineering grade, smooth reflective sheeting or reflective baked enamel finish.
 - B. Sign shape shall be rectangular with a maximum horizontal length of 36 inches and a maximum vertical length of 24 inches.
 - C. Sign color shall be a blue reflective background with reflective white lettering and symbol. Public park identification signs shall be the Federal Standard of brown background with reflective white lettering.
 - D. Sign post shall have "break-away" capability and be either a singular square steel tube, steel u-post or wooden material.

- E. Sign height, once installed, shall not exceed 80 inches and shall be a minimum of 48 inches high.
- d. **Location:**
- 1. Signs installed along State Highways:
 - A. All signs proposed along State Highways shall conform to the installation requirements pursuant to the CalTrans *Traffic Manual*.
 - 2. Signs installed along roads within Town right-of-way:
 - A. Signs installations shall be limited to only those streets that are included in the Town's maintained road system.
 - B. Sign placement shall be determined by the Town's Engineering Division.
 - C. The number of signs installed for a specific facility shall be determined by the Town's Engineering Division.
 - D. Maintenance of the signs shall become the responsibility of the Town.
- e. **Approval:**
- 1. All directional Signs:
 - A. All public facility directional signs shall be approved by the Town Traffic Commission prior to installation.

Section 87.07147 WALL MURAL DESIGN CRITERIA

a. **Criteria**

- 1. **Maximum Number of Murals Per Site:** One (1) mural per structure may be approved by the Planning Commission. In unique circumstances whereby the design of the mural(s) and structure are enhanced by additional murals, the Planning Commission may allow for more than one mural per structure.
- 2. **Advertisement Value:** Words and/or images may not generally be incorporated within the proposed mural which specifically identifies or reflects the business, products and/or services provided by the business occupying the structure.
- 3. **Design Theme:** Desert-Western, compatible with the building design and surrounding properties.
- 4. **Sign Area:** Wall mural signs shall not be calculated as business advertising signage and is not subject to the maximum wall sign area ratio. Murals can occupy an entire single wall on which the mural is applied.
- 5. **Color Scheme:** The colors used in the mural signs shall be complimentary and harmonious with the exterior colors of the building and consistent with the Desert-Western concept and surrounding properties. Florescent colors would not be considered in keeping with the Desert-Western concept.

6. **Permitting Process:** All Wall Mural applications shall be processed through the Design Merit Program process.
7. **Findings:** Prior to approving a Wall Mural application, the Planning Commission shall find and justify that all of the following are true:
 - A. The proposed mural exhibits exceptional design quality and incorporates high quality material that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;
 - B. The proposed mural is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;
 - C. The proposed mural, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;
 - D. The proposed mural is consistent with the goals, policies and standards of the Town's General Plan and applicable specific plans;
 - E. That the granting the Wall Mural Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided above.

Section 87.07150 ABANDONED SIGNS

- a. A sign or sign structure that is nonconforming shall be removed by the owner or lessee of the premises upon which the sign or structure is located when for a period not less than 90 days the business or product identified in the sign is no longer conducted on the premises, the structure upon which the sign is displayed is abandoned, or the advertising is no longer displayed on the sign structure. If the owner or lessee fails to remove the sign, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense.
- b. Any legal, conforming structural supports for an abandoned sign may remain, if installed with a blank sign face and supporting structures are maintained.

Section 87.07160 CONSTRUCTION AND MAINTENANCE

- a. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and Town regulations and the Uniform Building Code.
- b. Every sign, including those specifically exempt from the provisions of this Chapter with respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other non-maintained or damaged portion of a sign shall be repaired or

replaced within 30 calendar days following notification by the Town. Failure to do so may result in the sign being adjudged a nuisance and abated in accordance with Section 87.07190 et seq. of this code.

Section 87.07170 NONCONFORMING SIGNS

- a. **Purpose and Intent.** The requirements of this Section are intended to recognize that the eventual elimination of signs that do not comply with the provisions of this Chapter is as important as the prohibition of new signs that would violate these standards.
- b. Any sign legally existing on the effective date of this Ordinance that does not comply with the regulations of this Chapter shall be deemed to be a nonconforming sign.
- c. A legally established sign which fails to conform to this Chapter shall be allowed as a continued use until such time any of the following occurs first:
 1. Structurally altered so as to extend its useful life.
 2. Expanded, moved, or relocated.
 3. Re-established after damage or destruction of more than 50% and the destruction is other than facial copy replacement and the display is not repaired within 30 days of the date of its destruction.
 4. There is a change in ownership of the property, inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;
 5. The business or land use activity is discontinued or sold;
 6. The property is subdivided or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method or device which would otherwise circumvent the intent of this section;
 7. A Conditional Use Permit, Site Plan Review, or Land Use Compliance Review is granted for the property or use of the property;
 8. A Sign Permit is issued permitting installation or construction of a new or additional sign on the property;
 9. Whenever there is a change in ownership or tenancy of any business or tenant space within a shopping center, new wall signage and/or freestanding sign conforming to the requirements of this Chapter that identifies such change is permitted although nonconforming signs exist within the center. However, no change of sign copy to identify such change in ownership or tenancy shall be permitted on any nonconforming sign.

Section 87.07190 ENFORCEMENT

- a. **Stop Work Orders.** The issuance of a sign permit shall not construe a waiver of any provisions of this Chapter or any other ordinance of the Town. The Building Official, or other designated person, is authorized to issue a stop work order for any sign or advertising display installation which is being erected or displayed in violation of this Chapter, or any other ordinance of the Town.

- b. **Revocation.** Upon failure of the holder or applicant to comply with the provision of this Chapter or the conditions of approval of the sign permit, the Director is authorized and empowered to revoke any permit with a written statement of the reasons for revocation.

- c. **Public Nuisances.**
 - 1. The following signs and advertising displays are hereby declared to be public nuisances:
 - A. Signs and advertising displays illegally erected, placed or encroaching on or over any public right-of-way;

 - B. Any sign or advertising display declared to be hazardous or unsafe by the Director, the Building Official, or any other Town designated person.

 - 2. A Town enforcement officer may, without notice, move, remove, and/or dispose of a sign or advertising structure that has been declared a public nuisance in accordance with *Subsection (a)* above. In addition, an enforcement officer may authorize any work required to correct a hazardous or unsafe condition.

 - 3. A Town enforcement officer shall charge the costs of processing, moving, removing, disposing, correcting, storing, repairing or working on a sign or sign structure to any one of all of the following, each of which shall be jointly and individually liable for said expenses.
 - A. The permittee; and/or

 - B. The owner of the sign; and/or

 - C. The owner of the premises on which the sign is located.

 - 4. The charge for expenses shall be in addition to any penalty for the violation and recovery of the sign does not necessarily cancel the penalty.

 - 5. Signs made of paper, cardboard, lightweight wood or inexpensive plastic or similar materials which are removed, may be discarded immediately. All other removed signs shall be held thirty (30) days by the Town, during which period it may be recovered by the owner paying the Town for costs of removal, storage, and processing. If not recovered within the allowed thirty (30) day period, the sign and structure is hereby declared abandoned and title thereto shall vest to the Town.

- d. **Abatement of Signs.** The Community Development Director shall order the abatement, abate, or cause to be abated any temporary or permanent sign erected, placed or displayed in

violation of this Chapter in accordance with the following:

1. **Notice**

A. A written notice shall be sent or delivered to the owner of the sign or advertising display, or his representative, ordering abatement of the illegal or obsolete display, except as noted above. Temporary signs or advertising displays shall be ordered to be removed or abated immediately. Signs other than temporary signs or advertising displays shall be ordered to be abated within ten (10) days.

B. Subsequent to or in lieu of the notice to abate, the Director may cause to be mailed by registered or certified mail written notice to the owner of the sign, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within ten (10) days.

e. **Appeal**

The owner may, within the ten (10) day period, appeal the notice to the Town Council. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town fee schedule. There shall be a stay of abatement until a decision is rendered by the Town Council.

f. **Abatement**

After the expiration of the ten (10) day notice period, the enforcement officer may enter the property and abate the sign or advertising display. The Town may also contract for the abatement.

g. **Assessments**

The Town may order a special assessment and place a lien against the property for reimbursement of all costs in accordance with *Chapter 6.04* of the Town of Yucca Valley Municipal Code.

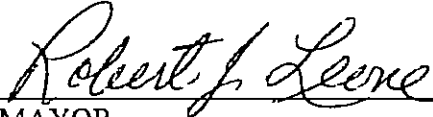
h. **Alternatives**

Nothing in this Chapter shall be deemed to prevent the Town Council from ordering the Town Attorney to abate the alleged nuisance or to obtain any other appropriate remedy in addition to, as an alternative to, or in conjunction with the procedures authorized by this Chapter. Nor shall the implementation of this Chapter be deemed to prevent appropriate authorities from commencing a criminal action based upon the conditions constituting the alleged nuisance.”

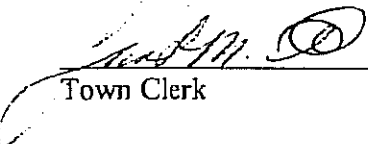
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption. Section 87.07170(c)(4) and (5) shall become operative October 2,2006.

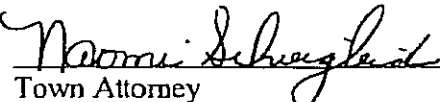
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 2nd day of September, 2004.


MAYOR

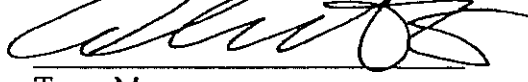
ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 156 as duly and regularly introduced at a meeting of the Town Council on the 19th day of August, 2004, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 2nd day of September, 2004, by the following vote, to wit:

Ayes: Council Members Cook, Earnest, Mayes, Neeb and Mayor Leone

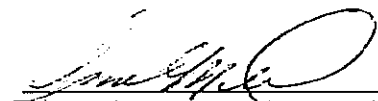
Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 7th day of September, 2004.

(SEAL)



Town Clerk of the Town of
Yucca Valley

POLE SIGNS single tenant building

Number of Signs

Height

Square Footage

Ratio

	Number of Signs	Height	Square Footage	Ratio
Yucca Valley	One per street frontage	12"	60 sq ft max	1 sq ft of signage to 5 linear ft of street frontage
Cathedral City	Not Permitted			
Desert Hot Springs	one per business	25'	125 sq ft max	no ratio
	property must have 300' of frontage on state or federal highway			
Indian Wells	Not Permitted			
Indio				
CC, NC, or CO	one	15'	40 sq ft max	no ratio
DC, RC, Ind	one per street frontage	25'-45'	80-200 sq ft max	based on linear frontage
	0-99 ft	25'	80 sq ft max	
	100-199 ft	35'	100 sq ft max	
	200+ ft	45'	200 sq ft max	
La Quinta	Not Permitted			
Palm Desert	Not Permitted			
Palm Springs	Not Permitted			
Rancho Mirage	Not Permitted			
Adelanto	Not Permitted			
Apple Valley	Not Permitted			
Barstow				
	OP District	one	20'	50 sq ft max
	NB District	one	25'	100 sq ft max
	CG & CH District	one	25'	100 sq ft max
				2 sq ft of signage to 1 linear ft of business frontage
				3 sq ft of signage to 1 linear ft of business frontage
Hesperia	permitted if site is more than 2.5 acres or 175' of frontage, no limit on number, signs must be 150 ft apart	20'	200 sq ft max	3 sq ft of signage to 1 linear ft of bldg frontage
Twentynine Palms	Not Permitted			
Victorville				
	less than 2 acres	one per parcel	24'	100 sq ft max
	more than 2 acres	one per street frontage	24'	100 sq ft max
				no ratio
				no ratio

POLE SIGNS multi tenant building

Number of Signs

Height

Square Footage

Ratio

	Number of Signs	Height	Square Footage	Ratio
Yucca Valley	one per street frontage		300 sq ft max	1 sq ft of signage to 5 linear ft of street frontage
15 acres or more		25'		
8 to 14.99 acres		15'		
less than 8 acres		12'		
Cathedral City	Not Permitted			
Desert Hot Springs	one per business	25'	125 sq ft max	no ratio
	property must have 300' of frontage on state or federal highway			
Indian Wells	Not Permitted			
Indio				
CC, NC, or CO	one	15'	40 sq ft max	no ratio
DC, RC, Ind	one per street frontage	25'-45'	80-200 sq ft max	based on linear frontage
0-99 ft		25'	80 sq ft max	
100-199 ft		35'	100 sq ft max	
200+ ft		45'	200 sq ft max	
La Quinta	Not Permitted			
Palm Desert	Not Permitted			
Palm Springs	Not Permitted			
Rancho Mirage	Not Permitted			
Adelanto	Not Permitted			
Apple Valley	equal to the number of entrances per site		200 sq ft max	2 sq ft of signage per 1 linear ft of street frontage
25 acres+		25'		
15-24.99 acres		20'		
8-14.99 acres		12'		
less than 8 acres		6'		
Barstow				
OP District	one	20'	50 sq ft max	no ratio
NB District	one	25'	100 sq ft max	2 sq ft of signage to 1 linear ft of business frontage
CG & CH District	one	25'	100 sq ft max	3 sq ft of signage to 1 linear ft of business frontage
Hesperia	permitted if site is more than 2.5 acres or 175' of frontage, no limit on number, signs must be 150 ft apart	20'	200 sq ft max	3 sq ft of signage to 1 linear ft of bldg frontage
Twentynine Palms	Not Permitted			
Victorville				
less than 2 acres	one per parcel	P.56	100 sq ft max	no ratio
more than 2 acres	one per street frontage	24'	150 sq ft max	no ratio

Monument Sign single tenant building

	Number of Signs	Height	Square Footage	Ratio
Yucca Valley	one per street frontage	8'	60 sq ft max	1 sq ft of signage per 5 linear ft of street frontage
Cathedral City	one per street frontage, must be 75' apart	7'	32 sq ft max	no ratio
Desert Hot Springs				
CN district	one per street frontage	8'	24 sq ft max	no ratio
CG or CC district	one per street frontage	8'	32 sq ft max	no ratio
Indian Wells				
more than 50' of frontage	as approved by a planned sign program	5'	20 sq ft max	no ratio
less than 50' ft of frontage	not permitted			
Indio				
CC, NC, or CO	one	5'	32 sq ft max	no ratio
DC, RC, Ind	one	6'	50 sq ft max	no ratio
La Quinta	one per street frontage	8'	50 sq ft max	0.25 sq of signage per 1 linear ft of street frontage
Palm Desert	one per street frontage	6'	50 sq ft max, to be reviewed by ARC	one half the total sign area allowed for the front of the building
Palm Springs				
bldg within 100 ft of ROW	one per property	8'	50sq ft max	75% of what is permitted for main sign (wall sign)
bldg more than 100 ft from ROW	one per property	8'	75 sq ft max	75% of what is permitted for main sign (wall sign)
Rancho Mirage	one per street frontage	5'	50 sq ft max	no ratio
Adelanto	one per street frontage	8'	36 sq ft max	1 sq ft of signage per 10 linear ft of street frontage
Apple Valley	equal to the number of entrances, signs must be 200 ft apart	6'	60 sq ft max	2 sq ft of signage per 10 linear ft of street frontage
Barstow	one	5'	40 sq ft max	no ratio
Hesperia	no limit, signs must be 150' apart	8' 9' in landscape planter	48 sq ft max, 60 sq ft in landscape planter	no ratio
Twentynine Palms	two, must be 300' apart	8'	75 sq ft max	2 sq ft of signage per 1 linear ft of street frontage
Victorville	one per street frontage	6'	45 sq ft max, not to exceed 10' in length	no ratio

Monument Sign multi tenant building

Number of Signs

Height

Square Footage

Ratio

	Number of Signs	Height	Square Footage	Ratio
Yucca Valley	one per street frontage	8'	60 sq ft max	1 sq ft of signage to 5 linear ft of street frontage
Cathedral City	one per street frontage, must be 75' apart	7'	32 sq ft max	no ratio
Desert Hot Springs				
business ident	one, must have 100' of frontage	6'	25 sq ft max	no ratio
center ident less than 25 acres	one per street frontage, must have 200' of frontage	sign shall not exceed the height of the bldg it identifies, not to exceed 20'	75 sq ft max	no ratio
center ident more than 25 acres	one per street frontage, must have 1200 ft of frontage	sign shall not exceed the height of the bldg it identifies	120 sq ft max	no ratio
Indian Wells	as approved by the Planning Commission with a Planned Sign Program			
Indio				
CC, NC, or CO	one per frontage	5'	32 sq ft max	no ratio
DC, RC, Ind	one per frontage	6'	50 sq ft max	no ratio
La Quinta	one per street frontage	8'	50 sq ft max per sign. 100 sq ft max total	0.25 sq ft of signage to 1 linear ft of street frontage
Palm Desert				
sites less than 5 acres	one per street frontage	6' unless topo or other feature necessitates a higher sign, shall not exceed 10 ft	50 sq ft max	one half the sign area allowed for the front of the bldg
sites more than 5 acres	one per street frontage	6' unless topo or other feature necessitates a higher sign, shall not exceed 10 ft	100 sq ft max	10 sq ft per acre
Palm Springs				
bldg within 100 ft of ROW	one per property	8'	50sq ft max	75% of what is permitted for main sign (wall sign)
bldg more than 100 ft from ROW	one per property	8'	75 sq ft max	75% of what is permitted for main sign (wall sign)
sites more than 3.5 acres	one per street frontage	8'	50 sq ft max	10 sq ft per acre
Rancho Mirage	one per street frontage	5'	50 sq ft max	no ratio
Adelanto	two per street frontage	8'	200 sq ft max	2 sq ft of signage to 10 linear ft of street frontage
Apple Valley	equal to the number of entrances per site	6'	200 sq ft max	2 sq ft of signage per 1 linear ft of street frontage
Barstow				
OP District	one	5'	40 sq ft max	
NB District	one	5'	40 sq ft max	
CG & CH District				
Hesperia	no limit, must be 150' apart	8', 9' in landscape planter	48 sq ft 60 sq ft in landscape planter	
Twentynine Palms	two, must be 300' apart	8'	75 sq ft max	
Victorville	one per street frontage	6'	45 sq ft, not to exceed 10' in length	

Wall Signs
single tenant building
Square Footage

Number of Signs

Ratio

	Number of Signs	Square Footage	Ratio
Yucca Valley	one per bldg frontage facing street or parking	can not exceed the allowable square footage	1 sq ft of signage per 1 linear ft of bldg frontage
	business with 80' or more of bldg frontage are allowed two signs		
Cathedral City	one per frontage facing parking or right of way	100 sq ft max for primary wall secondary wall not to exceed 50 sq ft each add'l wall not to exceed 24 sq ft second floor not to exceed 50% of what is allowed for ground floor businesses	1 sq ft of signage per 1 linear ft of bldg frontage
Desert Hot Springs	one per frontage facing street or parking area	max 75 sq ft in C-N max 100 sq ft in C-G or C-C	1.5 sq ft of signage per 1 linear ft of bldg frontage 1.5 sq ft of signage per 1 linear ft of bldg frontage
	max three per business		
Indian Wells	as approved by a planned sign program	9 sq ft max or sign program	no ratio
Indio			
CC, NC, or CO	one per frontage facing street or parking area, max of two	can not exceed total allowable sq footage	2 sq ft of signage per 1 linear ft of bldg frontage
DC, RC, Ind	one per frontage facing street or parking area, max of two	can not exceed total allowable sq footage	2 sq ft of signage per 1 linear ft of bldg frontage
La Quinta	one per frontage, max of two	50 sq ft max total	1 sq ft of signage per 1 linear ft of bldg frontage
Palm Desert			
up to 50 ft bldg frontage, within 100 feet of ROW	one per bldg frontage	50 sq ft max	1 sq ft of signage per 1 linear ft of bldg frontage
up to 50 ft bldg frontage, more than 100 feet from ROW	one per bldg frontage	75 sq ft max	0.5 sq ft of signage per 1 linear ft of bldg frontage
50-100 sq ft of bldg frontage, within 100 ft of ROW	one per bldg frontage	75 sq ft max	50 sq ft of signage for first 50 ft of bldg frontage, 0.5 sq ft for each linear ft up to 100
50-100 sq ft of bldg frontage, more than 100 ft from ROW	one per bldg frontage	100 sq ft max	75 sq ft of signage for first 50 ft of bldg frontage, 0.5 sq ft for each linear ft up to 100
more than 100 ft of bldg frontage, within 100 feet of ROW	one per bldg frontage	max sign area approved by ARC	75 sq ft of signage for first 100ft of bldg frontage, 0.25 sq ft for each linear ft up to 100
more than 100 ft of bldg frontage, more than 100 feet from ROW		max sign area approved by ARC	100 sq ft of signage for first 100 sq ft of bldg frontage, 0.25 sq ft for each linear ft in excess of 100
Palm Springs			
with 100 ft of ROW	one per business	50 sq ft max	1 sq ft of signage per 1 linear ft of bldg frontage,
more than 100 ft from ROW	one per business	75 sq ft max	1.5 sq ft of signage per 1 linear ft of bldg frontage
Rancho Mirage	one per business	40 sq ft max 45 sq ft max when located more than 200 ft from ROW 50 sq ft max when located more than 250 ft from ROW	no ratio
Adelanto	no limit,	can not exceed total allowable sq footage	1 sq ft of signage per 1 linear ft of bldg frontage
Apple Valley	no limit,	can not exceed total allowable sq footage	1 sq ft of signage per 1 linear ft of bldg frontage
Barstow			
OP District	one per street frontage , max of two	not to exceed 75% of frontage	1 sq ft of signage per 1 linear ft of bldg frontage
NB District	one per street frontage, max of two	not to exceed 50% of frontage	1 sq ft of signage per 1 linear ft of bldg frontage
CG & CH District	one per street frontage, max of two	not to exceed 75% of frontage	3 sq ft of signage per 1 linear ft of bldg frontage
Hesperia	no limit, can not exceed total allowable sq footage	150 sq ft max	2 sq ft of signage per 1 linear ft of bldg frontage
Twentynine Palms	three primary signs (monument sign counted as one primary sign)	can not exceed total allowable sq footage	2 sq ft of signage per 1 linear ft of bldg frontage
Victorville	no limit,	can not exceed total allowable sq footage	3 sq ft of signage to 1 linear ft of bldg frontage

Wall Signs multi tenant building			
	Number of Signs	Square Footage	Ratio
Yucca Valley	one per bldg frontage facing street or parking per business	can not exceed the allowable square footage	1 sq ft of signage per 1 linear ft of bldg frontage
	business with 80' or more of bldg frontage are allowed two signs		
Cathedral City	one per tenant	150 sq ft max	1.5 sq ft of signage per 1 linear ft of bldg frontage
Desert Hot Springs	one per frontage facing street or parking per business	75 sq ft max	1.5 sq ft of signage per 1 linear ft of bldg frontage
Indian Wells	as approved by a planned sign program	9 sq ft max or sign program	no ratio
Indio			
CC, NC, or CO	one per frontage facing street or parking area per business, max of two	can not exceed total allowable sq footage	2 sq ft of signage per 1 linear ft of bldg frontage
DC, RC, Ind	one per frontage facing street or parking area max of two	can not exceed total allowable sq footage	2 sq ft of signage per 1 linear ft of bldg frontage
La Quinta	one wall, one under canopy per business	50 sq ft max total	1 sq ft of signage per 1 linear ft of bldg frontage
Palm Desert			
up to 50 ft bldg frontage, within 100 feet of ROW	one per bldg frontage per business	50 sq ft max	1 sq ft to 1 linear ft of bldg frontage
up to 50 ft bldg frontage, more than 100 feet from ROW	one per bldg frontage per business	75 sq ft max	1.5 sq ft to 1 linear ft of bldg frontage
50-100 sq ft of bldg frontage, within 100 ft of ROW	one per bldg frontage per business	75 sq ft max	50 sq ft for first 50 ft of bldg frontage, 0.5 sq ft for each linear ft up to 100
50-100 sq ft of bldg frontage, more than 100 ft from ROW	one per bldg frontage per business	100 sq ft max	75 sq ft for first 50 ft of bldg frontage, 0.5 sq ft for each linear ft up to 100
more than 100 ft of bldg frontage, within 100 feet of ROW	one per bldg frontage per business	max sign area approved by ARC	75 sq ft for first 100ft of bldg frontage, 0.25 sq ft for each linear ft up to 100
more than 100 ft of bldg frontage, more than 100 feet from ROW	one per bldg frontage per business	max sign area approved by ARC	100 sq ft for first 100 sq ft of bldg frontage, 0.25 sq ft for each lineal ft in excess of 100
Palm Springs			
with 100 ft of ROW	one main sign per business	50 sq ft max	1 sq ft to 1 linear ft of bldg frontage
more than 100 ft from ROW	one main sign per business	75 sq ft max	1.5 sq ft to 1 linear ft of bldg frontage
Rancho Mirage	1 per entrance per business	40 sq. ft	no ratio
		45 sq. ft. when located more than 200 from the street right-of way	
		50 sq. ft. when set back more than 250 from the street	
Adelanto	no limit,	can not exceed total allowable sq footage	1 sq ft of signage to 1 linear ft of bldg frontage
Apple Valley	no limit,	can not exceed total allowable sq footage	1 sq ft of signage per 1 linear ft of bldg frontage
Barstow			
OP District	one per street frontage per business, max of two	not to exceed 75% of frontage	1 sq ft of signage per 1 lineal ft of bldg frontage
NB District	one per street frontage per business, max of two	not to exceed 50% of frontage	1 sq ft of signage per 1 lineal ft of bldg frontage
CG & CH District	one per street frontage per business, max of two	not to exceed 75% of frontage	3 sq ft of signage per 1 lineal ft of bldg frontage
Hesperia	no limit, can not exceed total allowable sq footage	150 sq ft max	2 sq ft to 1 linear ft of bldg frontage
Twentynine Palms	one per business	75 sq ft max if less than 200 linear feet of street frontage	2 sq ft to 1 linear ft of bldg frontage
		125 sq ft max if more than 200 linear feet of street frontage	2 sq ft to 1 linear ft of bldg frontage
Victorville	no limit,	can not exceed total allowable sq footage	3 sq ft to 1 linear ft of bldg frontage

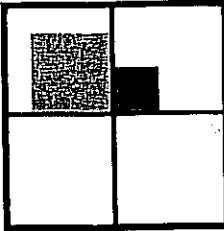
Petroleum Products

Program Manual

Rev. 07/2010



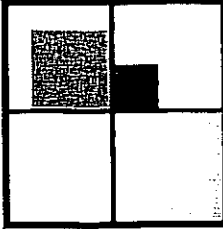
State of California
Department of Food and Agriculture
Division of Measurement Standards
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PETROLEUM AND AUTOMOTIVE PRODUCTS

ADVERTISING REQUIREMENTS

SECTION 2

DISCLAIMER

This manual contains information, methods, and procedures to assist weights and measures officials in their duties. It is not intended to supplant or supersede any law or regulation. Officials must check the cited reference prior to taking any enforcement actions. Direct any questions to the appropriate Division of Measurement Standards field office or Supervising Special Investigator or Branch Chief.

PRICE SIGN ADVERTISING

Business and Professions Code Chapter 14, Petroleum, Article 12 pertains to requirements and limitations on price sign advertising for motor vehicle fuels and motor oils.

This section is provided as a convenient reference in explaining the requirements to a dealer or for use by an inspector. This is supported by reference to the sections in Article 12. The balance of this manual includes descriptions and illustrations to show examples that can be followed to gain compliance.

BPC 13400 – Defines "**Advertising Medium**" to include banner, sign, placard, poster, streamer, and card.

CCR 4200 – Defines "**Advertising Medium**" to include banner, sign, placard, poster, streamer, and card, *whether or not mounted, whether appearing on the same or different standards, or whether or not physically connected with each other*, provided, the advertising statements can reasonably be read as one advertising message.

BPC 13401 – Defines "**Petroleum Products**" to mean gasoline (not the word gas), diesel fuel, liquefied petroleum gas (LPG) when used as a motor fuel, kerosene, thinner, solvent, liquefied natural gas (LNG), pressure appliance fuel, or white gasoline, or any oil represented as engine lubricant, engine oil, lubricating or motor oil, or any oil used to lubricate transmissions, gears, or axels.

- This definition should be understood and applied when interpreting code requirements dealing with dispenser/container labeling, and with applicable, advertising requirements.

BPC 13401(i) – Defines "**Motor Vehicle Fuel**" to mean any product intended for consumption in an internal combustion engine or fuel cell to produce the power to self-propel a vehicle designed for transporting persons or property on a public street or highway.

Chapter 14 – Petroleum

Article 12 – Price Sign Advertising

BPC 13530(a) – Provides that the numerals on any gasoline price advertising sign must be identical in value with those displayed on the pump computer for the same product.

BPC 13530(b) – Provides that no explanation of trading stamp value is required on dispensing apparatus or elsewhere.

BPC 13531(a) – Requires all persons who sell motor vehicle fuel to the public from a place of business in this state to post a sign indicating the prices of the three major (highest volume) grades of motor vehicle fuel sold (propane sales are exempt from this requirement). Such signs must be clearly visible from the street or highway adjacent to the station. In cases where the station is situated at an intersection, the sign would have to be visible to motorists on each street of the intersection. This sign may not be the most prominent or tallest or largest but will meet code section requirements. This sign is commonly referred to as the mandatory advertising medium. In some cases more than one sign must be erected to meet the code.

- Specified geographical areas such as scenic corridors are exempt from this section. However, once any advertising is made at an exempt location then all requirements must be met.
- Marinas and aircraft fueling points do not fall under this section.
- Since card lock fueling points, warehouse clubs that sell fuel, and the like, restrict access by the motoring public, they are not required to maintain a price sign.

BPC 13531(b) – Exempts businesses on scenic corridors from displaying prices.

BPC 13531I

- (1) Infraction violation explained; and
- (2) Misdemeanor violation explained.

BPC 13532(a) – All gasoline or other motor fuel price signs must include:

- (1) The total price per gallon or liter including all taxes.
- (2) The trademark or brand of the motor fuel.
- (3) The word "gasoline" or the name of the other motor fuel.
- (4) The grade designation of the motor fuel.
- (5) The word "liter" if the prices are advertised by the liter.

BPC 13532(b)

- (1) It is unlawful for any person to display an advertising medium that advertises a discount or price reduction for motor fuel, unless the advertising medium contains all the following:
 - (a) The price per gallon or liter from which the discount or price reduction is to be taken.
 - (b) The amount of the discount or price reduction in cents per gallon or liter using numerals which do not exceed the height of the numerals in the advertised price.
- I The conditions of the discount or price reduction using words whose letters are not less

than one-third the size of the price numerals.

- (2) Limitations of the discount.
 - (3) A chart showing the amount of discount in one-cent increments shall be available for each customer's reference, or dispensers shall be set to compute the sale at the discounted price and shall be labeled "Includes Cash Discount" in letters not less than one inch in height.
2. The motor fuel shall be sold in the same unit of measure as the price and discount are advertised.

BPC 13532I – When the lower price is advertised, requires the advertising of each of the higher prices and conditions of sale of any grade of motor fuel sold at different prices on the same medium, same size letters and numerals, conditions and limitations for the prices. This sign must meet all the requirements of this chapter.

BPC 13532(d) – Nothing in this section prohibits any person who has posted or displayed a sign or advertising medium in compliance with this chapter from displaying additional signs or advertising media which state either (1) the amount of discount in cents per gallon or liter, or (2) the price of one or more brands or grades of motor fuel sold or offered for sale, provided the conditions and all limitations of the discount or price of the brand or grade of motor fuel are included in the additional advertising media in letters not less than one-third the size of the numerals indicating the discount or price.

BPC 13533 – Requires motor oil signs which advertise a price to conspicuously identify the brand and product.

BPC 13534(a) – Additional Advertising Matter

Except as provided by subdivisions (b), (c), and (d) of BPC Section 13532, it is unlawful for any person to place any additional advertising matter on any advertising medium referred to in this article except:

- (1) A description of the products offered for sale in letters or numerals not larger than the price numerals.
- (2) Methods of sale, such as self-serve or full-serve, in letters no less than one-third the size of the price numerals.
3. Words describing the type of services offered at the place of business, such as food market, car wash, tune-up, and the registered trademark or trade name of the service, but not the price of the service.

BPC 13534(b) – Subdivision (a) does not apply to electronic changeable message centers when the advertising content includes both the product offered for sale and its price in a single advertising message, or when the product and price components of the advertising message clearly relate to one another and the price neither starts nor ends the message.

BPC 13535 – Requires the use of the "No Brand" for fuels and oils that are advertised but have no brand designation.

BPC 13536 – Requires all letters and numerals to be of heavy stroke and color that is clearly visible against contrasting background and specifies height to width ratio of all letters and numerals except "I" and numeral one (1).

BPC 13540 – Allows counties and cities to establish sign ordinances. Can not restrict requirements of BPC 13531 and 13532

BPC 13413 – Unfair Business Practices – Prohibits dissemination of deceptive, false, or misleading statements.

BASIC REQUIREMENTS FOR MOTOR FUEL PRICE SIGNS

BPC 13532(a)

VISIBLE SIGN	CHARACTER HEIGHT
BRAND	MINIMUM 1/3 (PPG)
GRADE	AT LEAST 1/6 (PPG)
*PPG	BASE SIZE (PPG)
GRADE	AT LEAST 1/6 (PPG)
PPG	BASE SIZE (PPG)
GRADE	AT LEAST 1/6 (PPG)
PPG	BASE SIZE (PPG)
FUEL TYPE	MINIMUM 1/3 (PPG)

* PPG = Price Per Gallon

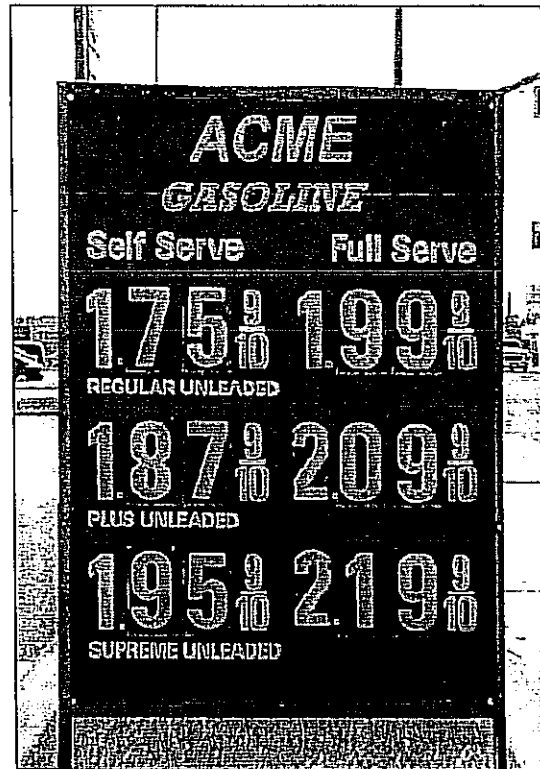
1. BRAND NAME – Minimum height-one-third the size of the price numerals.
2. The word "GASOLINE" or "DIESEL" or the name of other motor fuel is required on the sign. The letters must be not less than one-third the size of price numerals, but need not be larger than four inches in height.
3. GRADE not less than one-sixth size of price numerals – Need not be more than four inches in height.
 4. PRICE FIGURES – To be all of the same size and color within each grade and at least six inches in height. Fractions may be used if equal in size to one numeral.
4. "LITER" – Not less than one-third the size of the price numerals.

Attorney General Thomas Lynch, on 01/29/1969, in Opinion 67/44, stated that the height of the tallest lower case letter is to be used to determine whether or not the brand name meets the height requirements.

BPC 13531(a) – Requires the three major grades of motor fuel to be advertised. The advertising medium shall be clearly visible from the street or highway adjacent to the premises. When the place of business is situated at an intersection, the advertising medium shall be clearly visible from each street of the intersection.

CDFA Legal Counsel Jim Ayers, on 10/13/2005, advised DMS that "The intent of the legislation 'clearly visible' is to provide the motorist with the price information, prior to entering the station, so that he/she can make a decision to purchase fuel at that price or not, and it is designed to prevent abusive practices from occurring."

BASIC REQUIREMENTS FOR MULTI-PRICING MOTOR FUEL ADVERTISING



BPC 13532I – Brand name minimum one-third size of price numerals.

Price figures to be all the same size and color and at least 6" in height. Fractions or decimals may be used if equal in size to one numeral.

Words explaining the difference in price for the same grade to be a minimum of 1/3 the size of the price figures.

Grade at least 1/6 size of price numerals but need not be larger than 4" in height.

The prices must be advertised in the same form – either in gallons or in liters.

The word "Gasoline" at least 1/3 size of price numerals but need not be larger than 4" in height.

BPC 13536 – Requires all letters, figures and numerals to be of a heavy stroke, a color that contrasts against the background, to be clearly visible, and the height may not exceed twice the width, except the letter "l" and the numeral one (1). CCR 4205 states that if any advertising message is illuminated, the entire message shall be uniformly illuminated.

DISCOUNT ADVERTISING

BPC 13532(b)

LEGAL

1. The sign must meet the requirements of BPC 13532(a).
2. The posted price must be the price from which the discount is taken. BPC 13532(b)(1)(A)
3. The advertising medium must show the amount of discount in cents per gallon or liter as applicable. BPC 13532(b)(1)(B)
4. The height of the numerals indicating the discount shall not exceed the height of the price numerals. BPC 13532(b)(1)(B)
5. The words explaining the conditions of the discount must be at least one-third the size of the numerals indicating the prices. BPC 13532(b)(1)(C)
6. The gasoline or other motor fuel shall be sold in the same unit of measure (gallon or liter) in which the discount and price are advertised. BPC 13532(b)(3)
7. A chart showing the amount of discount in one-cent increments shall be available for each customer's reference or dispensers shall be dedicated to cash and credit prices. BPC 13532(b)(3)
8. The dispensers set to compute sales at the cash price shall be labeled "Includes Cash Discount" in letters not less than one inch in height. BPC 13532(b)(3)

ACME		
GASOLINE		
LESS 5 CENTS PER GAL CASH		
1.79	$\frac{9}{10}$	REGULAR
1.89	$\frac{9}{10}$	MIDGRADE
1.99	$\frac{9}{10}$	PREMIUM
1.89	$\frac{9}{10}$	DIESEL#2

THIS SIGN IS NOT ACCEPTABLE

BPC 13532(b)

ILLEGAL

1. The sign does not clearly indicate that the discount is to be deducted from the advertised price.
2. The advertising does not state the conditions for the discount.
3. The "5¢" is larger than the numerals indicating the prices.

ACME

GASOLINE

5¢ CASH
DISCOUNT

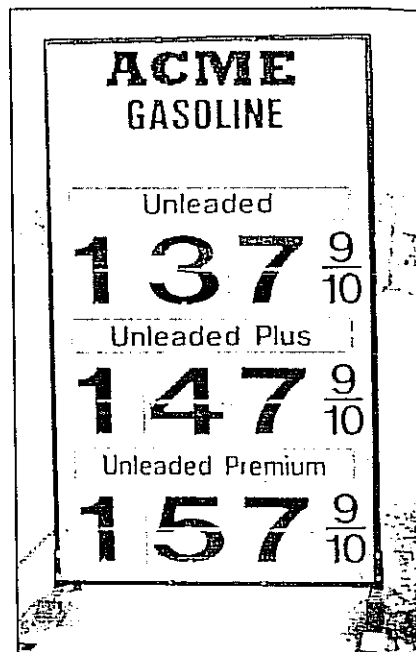
1.79 $\frac{9}{10}$	REGULAR
1.89 $\frac{9}{10}$	MIDGRADE
1.99 $\frac{9}{10}$	PREMIUM
1.89 $\frac{9}{10}$	DIESEL#2

**DISCOUNT ADVERTISING
ADDITIONAL REQUIREMENTS
DISPENSERS SET AT THE DISCOUNT PRICE**

ADDITIONAL ADVERTISING

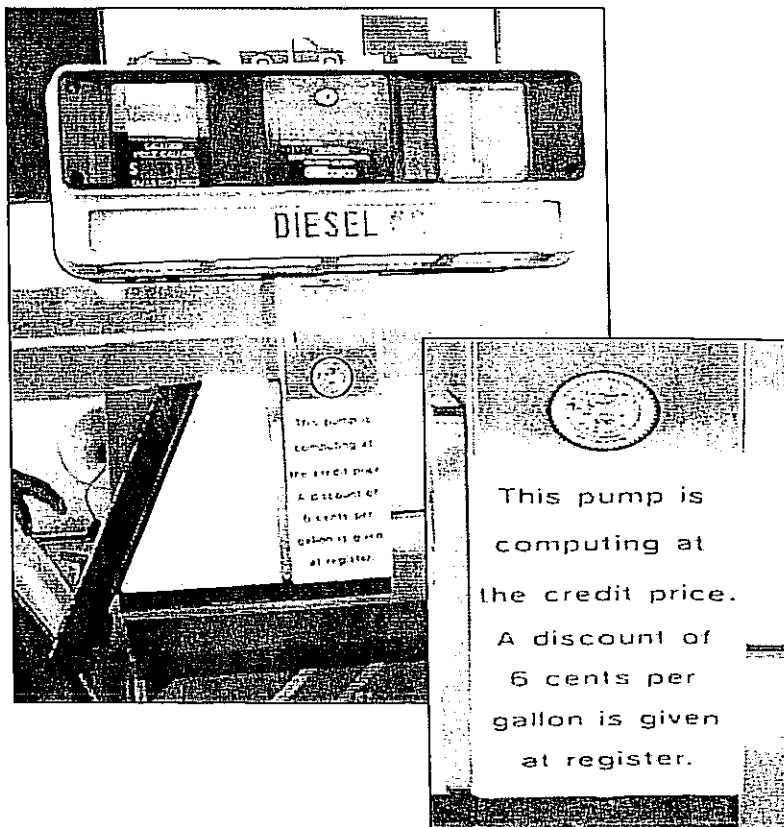
BPC 13532(b)(3)

Basic dispenser labeling requirements are found in BPC Section 13480.



BPC 13470 When a discount for cash is offered from a dispenser computing only at the credit price, at least one sign or label will be displayed on the dispenser that the dispenser is computing at the credit price and indicate the discount amount per gallon (or liter) in letters and numerals not less than 1/2" high.

This section applies as outlined in CA Code of Regulations Section 3.3, U.R. 3.3(b)



UR.3.2. Unit Price and Product Identity.

(a) The following information shall be conspicuously displayed or posted on the face of a retail dispenser used in direct sale:

(1) except for dispensers used exclusively for fleet sales, other price contract sales, and truck refueling (e.g., truck stop dispensers used only to refuel trucks), all of the unit prices at which the product is offered for sale; and

(2) in the case of a computing type or money-operated type, the unit price at which the dispenser is set to compute.

Provided that the dispenser complies with S.1.6.4.1. Display of Unit Price, it is not necessary that all the unit prices for all grades, brands, blends, or mixtures be simultaneously displayed or posted.

(b) The following information shall be conspicuously displayed or posted on each side of a retail dispenser used in direct sale:

(1) the identity of the product in descriptive commercial terms, and

(2) the identity of the grade, brand, blend, or mixture that a multi-product dispenser is set to deliver.

See DMS Notice D-05-3 " Retail Motor Fuel Dispensers, Price Computing Capability"

A station cannot use a dispenser set at a credit price only and then the attendant compute and pay the customer the discount earned. The device **MUST** calculate the payment type for price per gallon times the amount of fuel dispensed.

**EXAMPLE OF A CHART OF DISCOUNTS
(5¢ per gallon)**

BPC 13532(b)(3) – A chart showing the amount of the discount in one-cent increments is required if dispensers are not set to compute at the discount price. This chart must be available for each customer's reference.

GALLONS		DISCOUNT
0.0	00.0	.00
0.1	00.2	.01
0.3	00.4	.02
0.5	00.6	.03
0.7	00.8	.04
0.9	01.0	.05
1.1	01.2	.06
18.7	18.8	.94
18.9	19.0	.95
19.1	19.2	.69
19.3	19.4	.97
19.5	19.6	.98
19.7	19.8	.99
19.9	20.0	1.00

DEPARTMENT OF FOOD AND AGRICULTURE

A.G. KAWAMURA, Secretary

Division of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828-1812
Phone: (916) 229-3000
Fax: (916) 229-3026



DMS NOTICE
D - 05 - 3

September 6, 2005

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Retail Motor Fuel Dispenser, Price Computing Capability

Due to the recent increase in diesel and gasoline prices we are restating the Division's policy on price computing retail motor fuel dispensers. Section 12510(a)(7) of the California Business and Professions Code requires computing type devices to compute the true mathematical computation of the amount times the price per unit. Price computing dispensers, which are incapable of computing the correct price, cannot be used.

Service station operators who wish to ensure that they are prepared for future price increases should confirm the capabilities of existing equipment and, if necessary, check with equipment suppliers about upgrade options.

If you have any questions regarding this notice, please contact Ken Lake, Program Supervisor, at (916) 229-3047.

Sincerely,

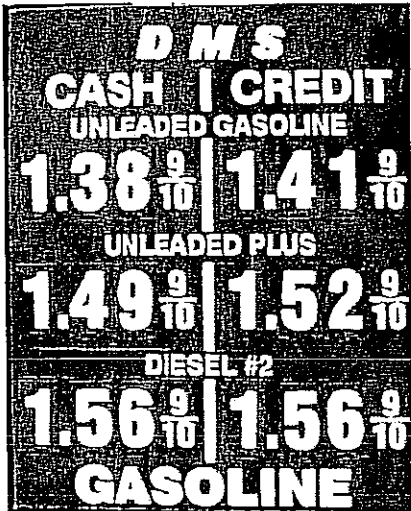
A handwritten signature in black ink, appearing to read "Mike Cleary".

Mike Cleary
Director

cc: Ed Williams, Director, County Liaison Office

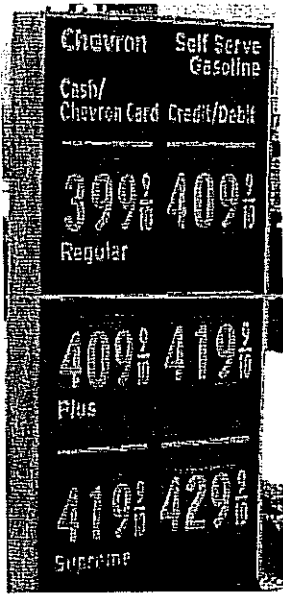
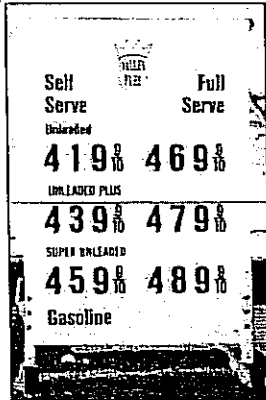
LEGAL DUAL or MULTIPLE PRICING

BPC 13532I



CASH / CREDIT DUAL PRICES-
 BPC 13532I – When the lower price is advertised the advertising MUST HAVE each of the higher prices. The conditions of sale of the grade of motor fuel sold at different prices, on the same medium must be in the same size letters and numerals, with the conditions and limitations for the prices. Once these requirements are met then additional advertising may occur as long as it complies with BPC 13534.

FULL SERVE / SELF SERVE
 DUAL PRICES



In this example the higher price applies to both credit and debit card purchases. The exception is that the user of the branded credit card will receive the cash price or lower price.

CA Civil Code

1748.1. (a) No retailer in any sales, service, or lease transaction with a consumer may impose a surcharge on a cardholder who elects to use a credit card in lieu of payment by cash, check, or similar means. A retailer may, however, offer discounts for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card, provided that the **discount** is offered to all prospective buyers.

Discounts

A discount is a reduction from the standard price. Discounts must express the amount of monetary reduction per unit of measure, the product and grade(s), and the condition/action necessary to receive the cost reduction. Discounts are applied to the price at the time of sale and the customer receives the price reduction at that time. For example: "**Less 5 Cents per gallon on all grades of gasoline for cash.**"

Advertising a discount does not require a station owner to post the different prices for the same product as long as BPC 13532(b) requirements are met. It is up to the customer to determine if they want to take advantage of the offer and what it will bring.

Rebate/Reward

A rebate or reward is a deduction from the price paid that the customer receives at a later date or as a credit against the bill owed.

January 8, 2009

DMS NOTICE
P-09-1

Discard: Retain

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Fuel Price Advertising

There are many pricing scenarios used by retail service station operators to entice motorists to buy fuel. Most comply with price sign advertising and device requirements in the Business and Professions Code, and California Code of Regulations. Many do not. This Division does not limit marketing ideas used to sell fuels. This Division does ensure that marketing practices comply with established rules, are fair, and do not mislead consumers.

Differential pricing between credit cards, debit cards, and cash etc. has raised concerns regarding fuel price advertising and dispenser functionality.

State law allows a station operator to offer discounted fuel prices for various methods of payment; the conditions of sale must be conspicuous, unambiguous, and easily understood by the customer; all price advertising must comply with legal requirements; and advertising shall not be misleading or fraudulent (B&P Code; Div. 5, Chapter 14, S. 13413, S. 13470, S. 13532). For example if the advertising states one price for credit and another for cash, the credit price can only be applied to a credit transaction; non credit cards such as debit cards must be afforded the cash price. In this instance, charging the credit price for a debit card would result in a violation. If the operator does not wish to extend the cash price to debit cards the sign must be more specific such as "Credit/Debit" for one price and "Cash" for another price. Here it is permissible to charge the credit card price when a debit card is used.

Where different prices are offered for different methods of payment it is necessary to consider functionality of the dispensers; how and if they can handle these prices. The ability of a particular dispenser to compute different prices will determine the method and type of advertising available to the station operator. While most modern dispensers have the ability to compute multiple prices, many older models do not. The options designed into the dispenser model will directly limit the type and number of alternative discounts that can be offered.

All retail motor fuel dispensers installed since 1991 that offer fuel at different prices, must provide controls to enable the customer to select the price before delivery of the product. (CCR 4000; NIST HB 44, 3.30, S.1.6.4.1.) Many dispensers allow the customer to activate the dispenser by inserting a card, (ATM, credit or debit). This is not a customer control for selecting the type of transaction and has been the source of problems, with the dispensers defaulting to the highest price without regard to the intent of the customer. Some operators, whose equipment does not correctly provide the appropriate customer controls, have posted instructions to enable the customer to circumvent the default on the device and obtain the required price. If the customer does not adhere to these instructions

they are often charged the higher price. This does not comply with S.1.6.4.1. The device owner cannot rely solely on a label with printed instructions for the customer to follow. Station owners must ensure that all dispensers capable of computing at different prices are configured correctly to allow the customer to select the method of payment (cash, credit, or debit) before dispensing fuel. Each must be clearly and conspicuously labeled.

Please contact Gary Castro, Branch Chief of the Weighmaster and Petroleum Products Branch at (916) 229-3049 if you have any questions regarding this notice.

Sincerely,

Edmund E. Williams
Director

Cc: Kevin Masuhara, Director, County/State Liaison

PRICE INDICATOR REQUIREMENTS

Example

BPC 13470 – No person shall sell any motor fuel unless there is displayed on the dispensing apparatus in a conspicuous place, at least one sign or price indicator showing the actual total price per gallon/liter of all motor fuel sold there from. The actual price per gallon/liter shall include all fuel and sales taxes.

BPC 13473 – All letters, figures or numerals on each sign required by this article shall be at least 3/4" in height and 1/8" in width stroke. (Applies only to a price sign, not a price indicator or display numerals – see DMS Notice D-07-04)

BPC 13474 – All letters, figures or numerals required by this article shall be plainly legible. The color tint shall contrast with the background and other parts of the sign.

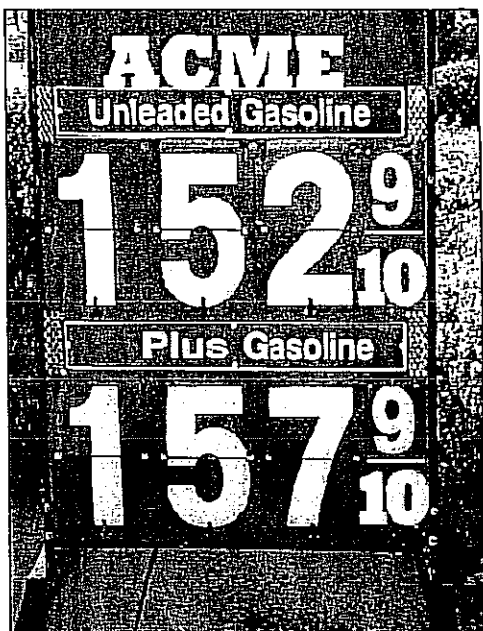


CCR 4201 – In addition to the requirements of BPC 13470 and BPC 13480, any sign referring to the price of motor vehicle fuel displayed on a dispensing device is limited to:

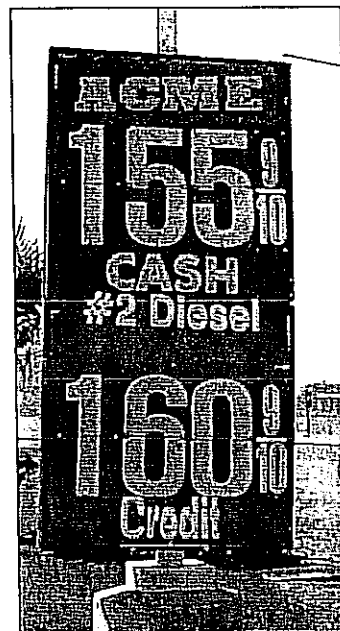
- The actual price per gallon/liter.
- Conversion chart information for liter sales as required by BPC 13470.
- Brand Name and name of product may be displayed.

Note: CCR 4201 permits, but does not mandate, the brand name of product to be displayed on these signs.

ADDITIONAL SIGNS



Additional sign showing two of the three products sold



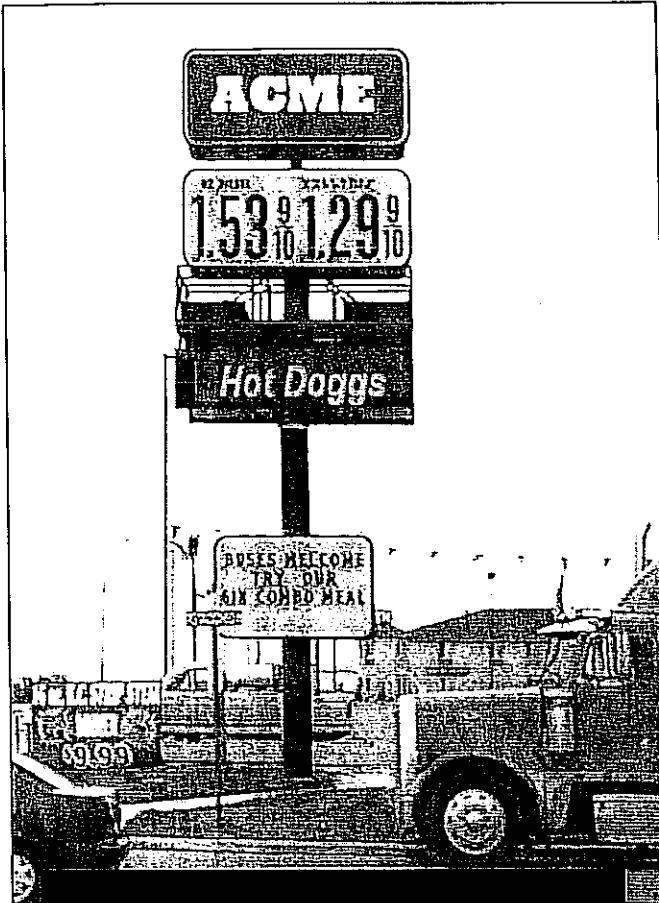
Additional cash – credit sign

BPC 13532(d) – Provides that any person who has posted or displayed any sign or advertising medium that conforms to the requirements of Chapter 14, would not be prohibited from displaying any additional signs or advertising media that state the amount of the discount in cents per gallon or liter or the price of one or more grades of motor fuel sold on the premises. Additionally, the conditions of the discount or price of motor fuel are required in letters at least one-third the size of the numerals indicating the discount or prices:

ADDITIONAL SIGNS

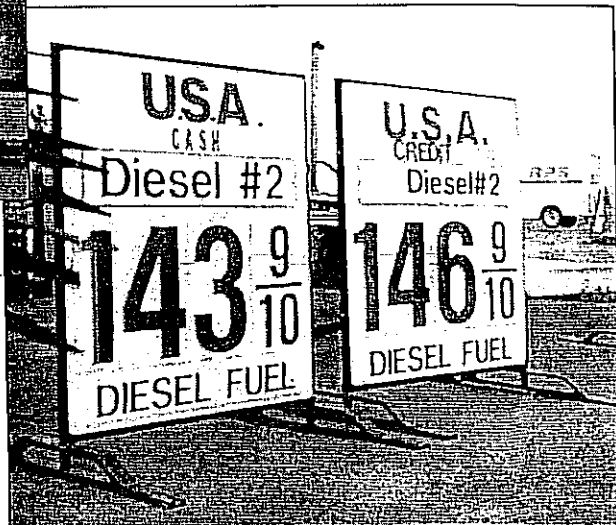
BPC 13532(d) – Does not prohibit additional signs off the premises when a legal sign is displayed on the premises.

LEGAL



BPC 13532(a) – Requires that every price advertising sign show the word “Gasoline” or the name of the other motor fuel and the brand and grade of the product advertised for sale.

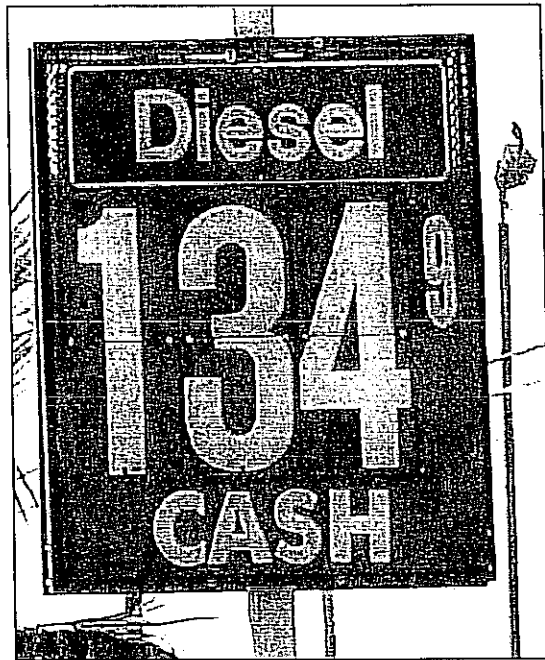
Make sure size requirements for both the product, such as *Gasoline* (1/3 PPG but need not be more than 4”) and grade, such as *Unleaded* (1/6 PPG but need not be more than 4”) are met. Diesel is sometimes combined into the *Grade* designation (#2) and is at the 1/6 size instead of 1/3 size. If letters are 4” then both size requirements are met.



Note: The conditions of sale are not 1/3 the size of the price numerals in the above USA sign.

ILLEGAL

Missing Grade, Brand, Tenths and Condition of Sale is not 1/3 size of PPG



Missing Brand and Product

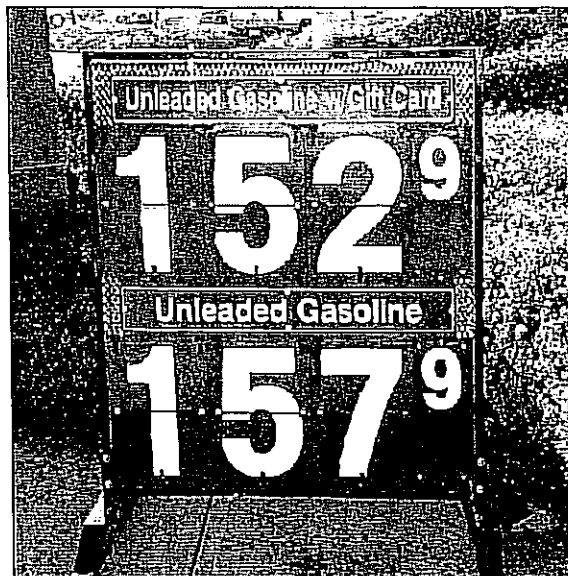


ILLEGAL

Product Not Identified, Discount Not Specified, Price from which discount applies is missing



Brand Not Identified, Condition Smaller Than 1/3 PPG, Missing Tenths



SERVICE AND PRODUCTS ON A MOTOR FUEL/OIL ADVERTISING MEDIUM

BPC 13534(a) – Limits the additional advertising that can be placed on motor fuel or motor oil price signs to the following exceptions:

- Words of description of the products.
- The method of sale.
- Words describing the type of service offered, excluding prices.
- The registered trademark or trade name of the service.

BPC 13534(b) – Allows the price of a product offered for sale to be placed on electronic changeable message center provided the advertising content includes the product offered for sale and its price in a single message or when the product and price components of the message clearly relate to each other and the price neither starts or ends the message.

BPC 13413 – Any other advertising message would have to be on a separate sign or advertising medium which should not be positioned in a manner that it could be read in conjunction with a motor fuel price sign creating a misleading message.

Apply this test, does the overall impression given to a motorist driving up to the station truly convey the price of the gasoline sold there without confusion and without requiring a second look?

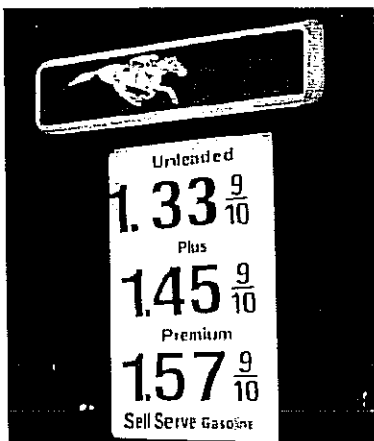
BPC 13413 – Any sign that advertises gasoline or other motor fuel that is not actually sold at the place of business is illegal whether the price is included on the sign or not.

LEGAL

BPC 13532 – The sign must meet requirements for price numeral, grade, and product requirements.

BPC 13534(b) – Words describing additional services available, excluding the price of the additional services.

BPC 13534I – Registered trademark or trade name associated with the additional service. Motor fuel pricing meets the requirements provided the brand name is correct.

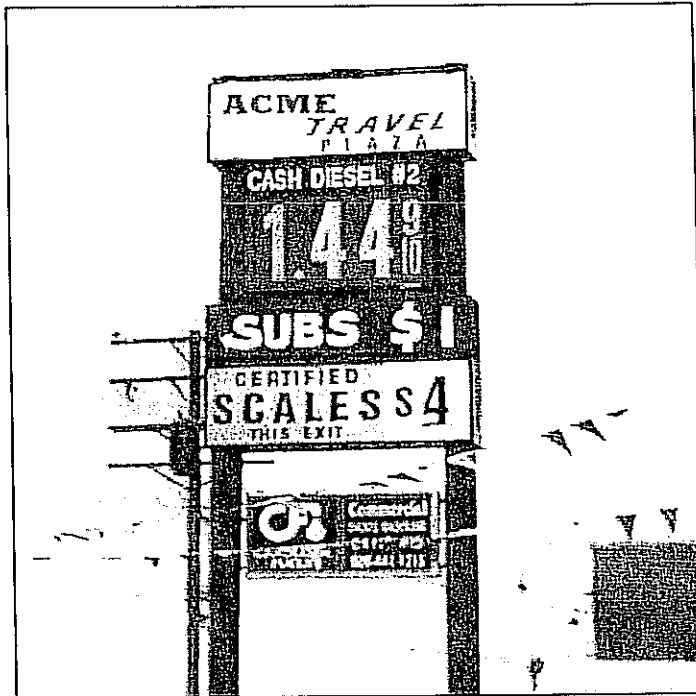


Method of sale (Self Serve) is allowed. Minimum letter height is one-third the size of the price numerals.

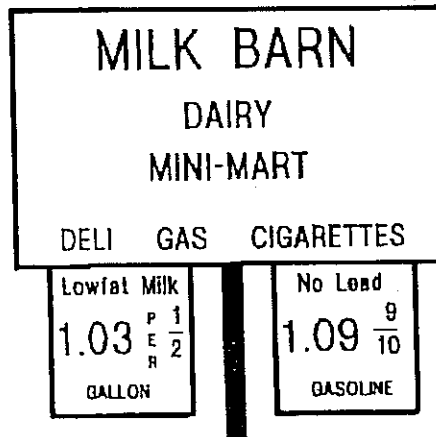
ILLEGAL

MOTOR FUEL PRICES ONLY

This example does not meet the requirements of several sections. Among the violations is BPC 13534I. Price for service (certified scales) is listed and price for subs violates BPC 13413(h).



BPC 13413(h) – No other prices allowed. Placement of milk price and gasoline price on same medium is misleading. Milk price could be mistaken as a motor fuel price.



ILLEGAL

Cigarette Price Not Allowed.



Watch for Grade and Product lettering being the same size. It is alright if both are at least 4", otherwise Product must be at least 1/3 the size price per gallon and the grade at least 1/6 the size of the price per gallon.



ALTERNATIVE FUELS

E-85 Fuel Ethanol

Advertising signs – The Business and Professions Code, Division 5, Chapter 14, Section 13532 requires the advertising signs to contain the total price per gallon of the fuel in a minimum of 6" numerals, the brand name in letters and/or numerals 1/3 the height of the of price numerals, the product name (Fuel Ethanol) in letters 1/3 the height of the price numerals

M-85 Fuel Methanol

Advertising signs – The Business and Professions Code, Division 5, Chapter 14, Section 13532 requires the advertising signs to contain the total price per gallon of the fuel in a minimum of 6" numerals, the brand name in letters and/or numerals 1/3 the height of the price numerals, the product name (M-85 Fuel Methanol) in letters 1/3 the height of the price numerals.

Biodiesel Fuel

Advertising signs – The Business and Professions Code, Division 5, Chapter 14, Section 13532 and the California Code of Regulations, Title 4, Section 4202 requires the advertising signs to contain the total price per gallon of the fuel in a minimum of 6" numerals, the brand name in letters and/or numerals 1/3 the height of the price numerals, the product name.

BASIC REQUIREMENTS FOR MOTOR OIL PRICE SIGNS

BPC 13533

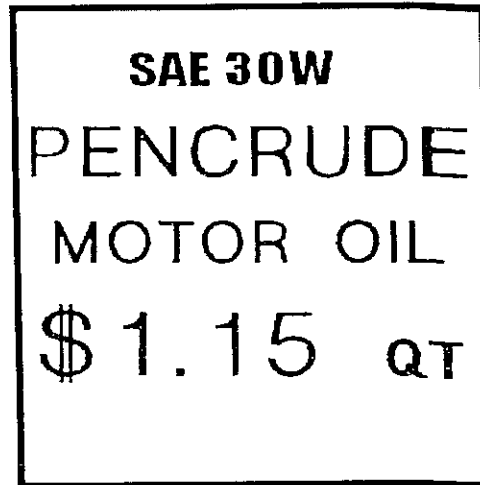
BRAND of the motor oil must be at least one-half the height of the price numerals.

PRODUCT name, such as "motor oil", must be at least one-half the height of the price numerals.

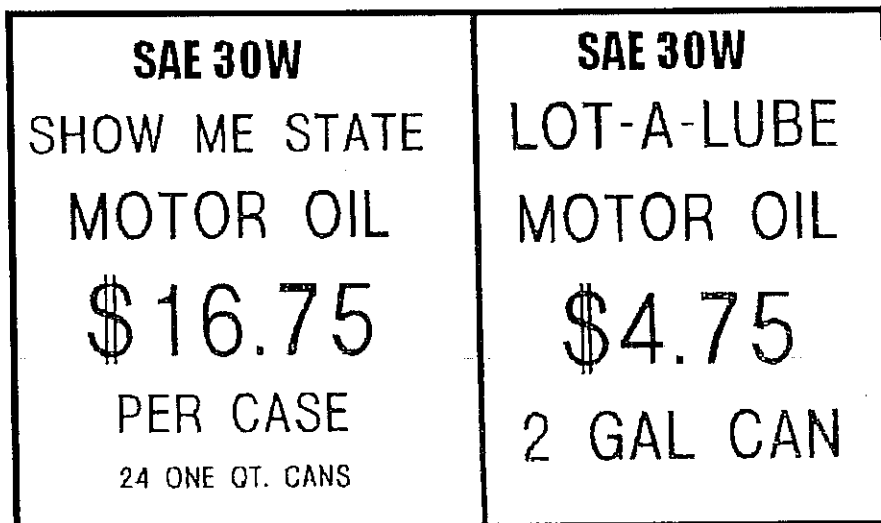
BPC 13480(b), 13482

Price sign must have **grade designation (SAE/API)**.

PRICE numerals may be of any convenient size.



ALL letters, words, figures, and numerals shall have a heavy typeface or stroke, be clearly visible, and be a color that contrasts with the background. The height of the letters, words, figures, and numerals, except the letter "l" and the numeral one (1), shall not be more than twice the width.
BPC 13536



**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 28, 2012**

Vice Chair Alberg called the regular meeting of the Yucca Valley Planning Commission to order at 6:00 p.m.

Commissioners Present: Bridenstine, Drozd, Hildebrand (Arrived at 6:02 p.m.), and Vice Chair Alberg. Chair Humphreville was excused.

Pledge of Allegiance was led by Vice Chair Alberg

APPROVAL OF AGENDA

Commissioner Bridenstine moved to approve the agenda. Commissioner Drozd seconded. Motion carried 3-0-2 on a voice vote with Commissioner Hildebrand and Chair Humphreville absent.

PUBLIC COMMENTS

None

DISCUSSION ITEM

1. GENERAL PLAN ANNUAL REVIEW FOR CALENDAR YEAR 2011

The annual report for calendar year 2011 on the status of the General Plan and progress on its implementation pursuant to Government Code Section 65400.

Associate Planner Kirschmann gave the staff report contained in the printed agenda noting that state law mandates that all cities and counties submit an annual report on the status of the General Plan and progress on its implementation. It is anticipated that the General Plan update will be completed by end of calendar year 2013.

Commissioner Bridenstine moved to receive and file the General Plan Annual Report for the Calendar Year 2011 and forward that recommendation to the Town Council. Commissioner Drozd seconded. Motion carried 4-0-1 on a voice vote with Chair Humphreville absent.

CONSENT AGENDA

2. MINUTES

A request that the Planning Commission approve as submitted the minutes of the Special meeting held on January 24, 2012

Commissioner Drozd moved to approve the minutes as presented. Commissioner Bridenstine seconded. Motion carried 45-0-1 on a voice vote with Chair Humphreville absent.

STAFF REPORTS AND COMMENTS

FUTURE AGENDA ITEMS:

Deputy Town Manager Stueckle advised that at the next Town Council Meeting staff will be asking to set a joint meeting between the Council and Planning Commission to provide direction on the sign ordinance to the staff and consultants working on the Development Code update.

COMMISSIONER REPORTS AND REQUESTS

None

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission is Tuesday, March 13, 2012 at 6:00 p.m. in the Yucca Valley Community Center.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:08 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk