

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



April 21, 2010

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TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Encinitas, certifying the City's Local Coastal Program Amendment No. 2-08 (Sign Ordinance), is adequate to effectively certify its local coastal program (for Commission review at its meeting of May 12-14, 2010)

BACKGROUND

At its September 9, 2009 meeting, the Coastal Commission certified, with one suggested modification, the City of Encinitas Local Coastal Program Amendment #2-08, regarding proposed changes to the City's Sign Ordinance (Chapter 30.60). The primary revisions were to prohibit new billboards and allow for non-commercial message substitution on existing legal signs without further review. By its action adopting Ordinance No. 2010-02 on February 10, 2010, the City Council has acknowledged and accepted the one suggested modification forwarded by the Commission. The modification provided that if the City authorized relocation of any existing legal billboard, the relocation site must be outside the coastal zone. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Encinitas is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



May 17, 2010

Mayor Dan Dalager
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

RE: Certification of the City of Encinitas Local Coastal Program Amendment
No. 2-08 (Sign Ordinance)

Dear Mayor Dalager,

The California Coastal Commission has reviewed the City's Ordinance No. 2010-02 together with the Commission's action of September 9, 2009 certifying City of Encinitas Local Coastal Program Amendment #2-08 pertaining to revisions to the City's Sign Ordinance, primarily addressing billboards and message substitution on existing legal signage. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of May 13, 2010.

By its action on February 10, 2010, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including any suggested modifications. The one modification addressed relocation of existing billboards and provided that any relocation site be outside the coastal zone. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas
Executive Director

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ORDINANCE 2010-02

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ENCINITAS, CALIFORNIA AMENDING
THE ENCINITAS MUNICIPAL CODE THEREBY
ACCEPTING CALIFORNIA COASTAL
COMMISSION'S SUGGESTED MODIFICATIONS TO
08-67 ZC/LCPA.
CASE NUMBER: 08-67 ZC/LCPA

WHEREAS, on April 23, 2008, the City Council adopted Ordinance No. 2008-10 entitled "An Urgency Ordinance of the Encinitas City Council adopting amendments to the Encinitas Municipal Code banning new billboards and setting forth provisions for sign message substitution";

WHEREAS, on August 20, 2008 the City Council adopted Ordinance 2008-15, approving 08-67 ZC/LCPA, permanently amending the City's sign regulations to ban new billboards and setting forth provisions for sign message substitution, the effective date of which was subject to Coastal Commission approval;

WHEREAS, the California Coastal Commission reviewed the Local Coastal Plan Amendment application on August 19, 2009 and voted to certify 08-67 ZC/LCPA with suggested modifications;

WHEREAS, accepting the California Coastal Commission's suggested modifications, as set forth in this ordinance, is necessary under the California Coastal Act for the zone code and local coastal program amendment to become effective;

WHEREAS, the Planning Commission conducted a Public Hearing on December 3, 2009 and considered public testimony and made a recommendation to the City Council to accept the Coastal Commission's suggested modifications;

NOW, THEREFORE, the City Council of the City of Encinitas hereby ordains as follows:

SECTION ONE: That Chapter 30.60 of the Encinitas Municipal Code, as previously approved pursuant to Ordinance No. 2008-15, is modified to read as follows (added language underlined):

Ban on new billboards:

(Section 30.60.50.L): Billboards. New billboards are prohibited. This prohibition does not limit agreements to relocate presently existing legal billboards, as long as such billboards are relocated to locations outside of the Coastal Zone, as encouraged by State law including, but not limited to, Business and Professions Code Section 5412. This prohibition does not apply to presently existing billboards which complied with all legal requirements at the time of installation.

Encinitas LCPA #2-08
cert. review
(1 of 2)

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SECTION TWO: In any and all cases, the provisions of this Ordinance shall be applicable to the following specific plans, which incorporate the provisions of Chapter 30.60 of the Encinitas Municipal Code by reference:

Downtown Encinitas Specific Plan
North 101 Corridor Specific Plan
Encinitas Ranch Specific Plan
Home Depot Specific Plan

The Ordinance shall supersede any conflicting provisions, standards, and requirements of the specific plans. If a conflict arises between the Ordinance and the specific plans, then the standards contained in the Ordinance shall take precedence.

SECTION THREE: Environmental finding: The City Council finds, in its independent judgment, that the proposed amendments to the Municipal Code are categorically exempt from environmental review pursuant to Section 15061 (b3.) of the State CEQA Guidelines, which states that CEQA only applies to projects which have the potential for causing a significant effect on the environment, as well as Section 15308, which exempts actions taken by regulatory agencies for the protection of the environment.

EFFECTIVE DATE: This ordinance shall not be effective until approved by the Coastal Commission.

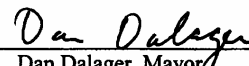
PASSED AND ADOPTED this 10th day of February, 2010 by the following vote to wit:

AYES: Barth, Dalager, Houlihan, Stocks.

NAYS: None.

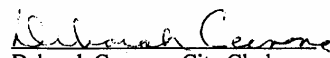
ABSTAIN: None.

ABSENT: Bond.


Dan Dalager, Mayor
City of Encinitas

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance No. 2010-02 which has been published pursuant to law.


Deborah Cervone, City Clerk

MS/G:\2010-02 Signs

(2 of 2)