

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

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July 25, 2013



TO: Commissioners and Interested Persons

FROM: Charles Lester, Executive Director
Sherilyn Sarb, Deputy Director
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Meg Vaughn, Staff Analyst

SUBJECT: Concurrence with the Executive Director's determination that the action of the City of Huntington Beach accepting certification with suggested modifications of Major LCP Amendment No. 2-11 (Signs, Design Review & Others)(HNB-MAJ-2-11) is legally adequate. For Commission review at its August 14-16, 2013 meeting in Santa Cruz.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

BACKGROUND

The City of Huntington Beach submitted Major Local Coastal Program (LCP) Amendment Request No. 2-11 (HNB-MAJ-2-11) for Commission certification pursuant to City Council Resolution No. 2011-97 which includes Ordinance Nos.¹: 3826 (Signs), 3842 & 3843 (Massage Establishments), 3867-3873 (Design Review Board/Signs), 3856-3861 (Emergency Shelters/ Transitional Housing), 3881 (Political Signs), 3927 (Political Signs), 3909 (Kennels), and 3874 (Zoning Map Amendment for Beach and Edinger Corridors Specific Plan). Huntington Beach LCPA 2-11 amended the Implementation Plan (IP) portion of the City's certified Local Coastal Program (LCP) by making relatively minor changes in the areas listed above. Huntington Beach LCPA 2-11 made changes to the certified Implementation Plan only. Only the changes proposed to Chapter 233 *Signs* required suggested modifications to be found consistent with the policies of the certified Land Use Plan. On April 10, 2013, the Coastal Commission approved with suggested modifications proposed Implementation Plan Amendment No. 2-11.

Issues raised by the amendment request included concerns that Chapter 233 *Signs* would not adequately maximize public access and public views and that the ordinance, as proposed, would not have clearly drawn in the procedures governing coastal development permits in the review of signs on public service items (such as trash receptacles, bicycle racks, bus benches, transit shelters and telephone booths) within the coastal zone. These issues were addressed by the Commission through adoption of the suggested modifications necessary to assure compliance of the IP amendment with the City's certified LUP.

¹ City Council Resolution No. 2011-97 originally also included Ordinance No. 3845 (Flood Ordinance Revisions) and Ordinance No. 3788 regarding Medical Marijuana Dispensaries. Ordinance No. 3845 was withdrawn by the City in order to allow additional time for Commission and City staffs to resolve issues raised by that ordinance. Ordinance No. 3788 requested to repeal an earlier ordinance that had never been added to the certified LCP, and so no action was required.

On July 1, 2013 the Huntington Beach City Council adopted Resolution No. 2013-27 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications. Also on July 1, 2013, the City Council adopted Ordinance No. 3981 approving revisions to the Implementation Plan by incorporating the Commission's suggested modifications.

The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on April 10, 2013.

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of Huntington Beach LCP Amendment No. 2-11 shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

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
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



August XX, 2013

Scott Hess
Director of Planning
2000 Main Street
Huntington Beach, CA 92648

Re: Effective Certification
City of Huntington Beach Local Coastal Program Amendment No. 2-11 (HNB-MAJ-2-11)
(Signs, Design Review, & Others)

Dear Mr. Hess:

We are pleased to notify you that on August X, 2013, the Commission concurred with the Executive Director's determination that the action of the City of Huntington Beach accepting certification of Local Coastal Program (LCP) Amendment No. 2-11 (HNB-MAJ-2-11) with suggested modifications was legally adequate. Therefore, the LCP amendment will be fully effective upon filing of the notice of the Commission's certification with the Secretary of the Resources Agency as provided by Public Resources Code Section 21080.5(d)(2)(E).

City of Huntington Beach LCP Amendment 2-11 was submitted for Commission certification pursuant to City Council Resolution No. 2011-97. Huntington Beach LCPA 2-11 reflects the changes to the Implementation Plan reflected in Ordinance Nos.: 3826 (Signs), 3842 & 3843 (Massage Establishments), 3867-3873 (Design Review Board/Signs), 3856-3861 (Emergency Shelters/Transitional Housing), 3881 (Political Signs), 3927 (Political Signs), 3909 (Kennels), and 3874 (Zoning Map Amendment for Beach and Edinger Corridors Specific Plan), as modified by the approved suggested modifications to Chapter 233 *Signs*.

On April 10, 2013, the Commission approved LCP Amendment No. 2-11 with suggested modifications. On July 1, 2013, the Huntington Beach City Council adopted Resolution No. 2013-27 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications. On July 1, 2013, the City Council adopted Ordinance No. 3981 amending the Local Coastal Program Implementation Plan by incorporating the modifications suggested by the Commission. On August XX, 2013, the Commission concurred with the Executive Director's determination that the City Council's acceptance of the Commission's suggested modification was legally adequate.

On behalf of the Coastal Commission, I would like to congratulate the City on the completion of LCP Amendment 2-11. If you have any questions, please contact Meg Vaughn at our Long Beach office (562) 590-5071.

Sincerely,

Teresa Henry
District Manager

cc: Mary Beth Broeren, Planning Manager
DRAFT HNB LCPA 2-11 SignsDesRvwOthers IPam fnlrcr ltr 8.13 mv

RESOLUTION NO. 2013-27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH WHICH ACKNOWLEDGES RECEIPT OF THE COASTAL
COMMISSION ACTION AND ACCEPTS AND AGREES TO LOCAL COASTAL
PROGRAM AMENDMENT NO. 2-11 AS MODIFIED**

WHEREAS, the California Coastal Commission reviewed and approved Huntington Beach Local Coastal Program Amendment No. 2-11 as modified at the April 10, 2013 Coastal Commission hearing; and

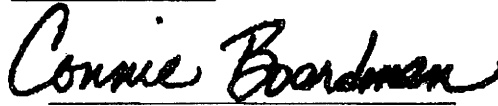
Section 13537 of the Coastal Commission Regulations requires the local government to accept and agree to the modifications by resolution within six (6) months, or the certification will expire; and

Upon the City Council action staff will forward Resolution No. 2013-27 for final Coastal Commission certification.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

That the City Council accepts and agrees to the Coastal Commission's approval of Local Coastal Program Amendment 2-11 by modifying Huntington Beach Zoning and Subdivision Ordinance Section 233.10 as suggested by the Coastal Commission in document attached hereto as Exhibit "A" and incorporated by this reference as though fully set forth herein. Said suggested modifications shall become effective 30 days after adoption of Ordinance No. 3981 or upon final Coastal Commission certification, whichever occurs latest.

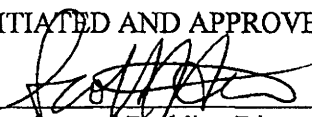
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held on the 1st day of July, 2013.



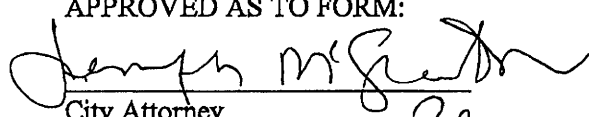
Mayor

REVIEWED AND APPROVED:


City Manager

INITIATED AND APPROVED:


Planning and Building Director

APPROVED AS TO FORM:


City Attorney
6.23.13 pc
5/23/2013

EXHIBIT A

Adopted By the Coastal Commission at its meeting of April 10, 2013

II. SUGGESTED MODIFICATIONS

Certification of City of Huntington Beach LCP Amendment Request No. 2-11 is subject to the following modifications.

The Commission's suggested additions are shown in **bold, underlined text**.

The Commission's suggested deletions are shown in underlined, strike-out text.

SUGGESTED MODIFICATIONS TO CHAPTER 233 SIGNS

Modify Section 233.10 M (Prohibited Signs) as follows:

- M. Signs located on public property, including signs affixed to utility poles, trees or projecting onto the public right-of-way, except political signs and those required by law. This section shall not prohibit the placement of advertising panels on public service items including, but not limited to, trash receptacles, bicycle racks, bus benches, transit shelters, and telephone booths, within public rights-of-way or in publicly-operated beaches or parks provided such items are placed in accord with an agreement granted by the City Council, **and for such signs proposed in the coastal zone, subject to approval of a coastal development permit unless otherwise exempt.**

Add the following new subsections to Section 233.10 M (Prohibited Signs), re-letter and re-order as appropriate:

- O. Within the coastal zone, signs that limit or prohibit public access to public coastal areas, public accessways and/or to public parks except, subject to approval of a coastal development permit, when necessary for public safety, no other feasible alternative exists, the signs are consistent with all other applicable local coastal program requirements, and are subject to a requirement that the signs shall be removed as soon as the public safety issue is resolved.**
- P. Within the coastal zone, signs that adversely affect scenic and visual qualities of coastal areas and public parks shall be prohibited except, subject to approval of a coastal development permit, when necessary for public safety, no other feasible alternative exists, the signs are consistent with all other applicable local coastal program requirements, and are subject to a requirement that the signs shall be removed as soon as the safety issue is resolved.**

233.10 Prohibited Signs

- A. Canvas signs, banners, pennants, streamers, balloons or other temporary signs except as provided in Sections 233.08 (Exempt Signs), 233.16 (Subdivision Directional Signs) or 233.18 (Promotional Activity Signs).
- B. Mobile, A-frame, and portable signs and those of a similar nature which are not permanently attached to the ground or building except as provided in Section 233.18 or 233.20.
- C. Roof signs except those permitted under Section 233.18(D).
- D. Signs which resemble any official marker erected by the city, state, or any governmental agency, or which, by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic.
- E. Signs which produce odor, sound, smoke, fire or other such emissions.
- F. Flashing, moving, pulsating, or intermittently lighted signs, mechanical movement signs, including searchlights, except electronic readerboards and public service signs such as those for time and temperature.
- G. Animals or human beings, live or simulated, utilized as signs.
- H. Projecting signs, except canopy or awning signs and under-canopy signs, subject to subsections 233.06(A) and 233.06(E).
- I. Signs which constitute a nuisance or hazard due to their intensity of light.
- J. Signs visible from and within 100 feet of an R district which are illuminated between the hours of 10:00 p.m. and 7:00 a.m. unless they identify an establishment open for business during those hours.
- K. Off-premises signs, including billboards or advertising structures installed for the purpose of advertising a project, subject or business unrelated to the premises upon which the sign is located, except as permitted pursuant to Sections 233.14 (Readerboard Signs—Multiple Users) and 233.16 (Subdivision Directional Signs).
- L. Abandoned signs and signs which no longer identify a bona fide business conducted on the premises. Such signs shall be removed by the property owner within 60 days of the business's closing date. The sign panel may be turned over (blank side out) if the sign complies with code.
- M. Signs located on public property, including signs affixed to utility poles, trees or projecting onto the public right-of-way, except political signs and those required by law. This section shall not prohibit the placement of advertising panels on public service items including, but not limited to, trash receptacles, bicycle racks, bus benches, transit shelters, and telephone booths, within public rights-of-way or in publicly-operated beaches or parks provided such items are placed in accord with an agreement granted by the City Council, and for such signs proposed in the coastal zone, subject to approval of a coastal development permit unless otherwise exempt.
- N. Vehicle signs, signs affixed to automobiles, trucks, trailers or other vehicles on public or private property for the purpose of advertising, identifying or providing direction to a use or activity not related to the lawful use of the vehicle for delivering merchandise or rendering service. Any such vehicle signs which have as their primary purpose to serve as a non-moving or moving display are prohibited. (3334-6/97, 3360-12/97, 3826-4/09, 3881-8/10)
- O. Within the coastal zone, signs that limit or prohibit public access to public coastal areas, public accessways and/or to public parks except, subject to approval of a coastal development permit, when necessary for public safety, no other feasible alternative exists, the signs are consistent with all other

applicable local coastal program requirements, and are subject to a requirement that the signs shall be removed as soon as the public safety issue is resolved.

- P. Within the coastal zone, signs that adversely affect scenic and visual qualities of coastal areas and public parks shall be prohibited except, subject to approval of a coastal development permit, when necessary for public safety, no other feasible alternative exists, the signs are consistent with all other applicable local coastal program requirements, and are subject to a requirement that the signs shall be removed as soon as the safety issue is resolved.