

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



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Prepared August 21, 2020 (for September 11, 2020 Hearing)

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Rainey Graeven, Coastal Planner

Subject: City of Capitola LCP Amendment Number LCP-3-CAP-20-0030-1-Part B (Signs).

Proposed Amendment

The City of Capitola proposes to modify and update Implementation Plan (IP) Chapter 17.80, which governs signs. The proposed amendment includes incorporating noncommercial sign allowances based on recent court rulings, adds language that specifies when a Coastal Development Permit (CDP) for signage is required, and requires that any CDP for signage includes findings that the signage must be consistent with the certified LCP with respect to the protection of visual resources, community character, and public access/recreation. See **Exhibit 1** for the proposed amendment text.

Minor LCP Amendment Determination

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

14 CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third or more of the appointed members of the Commission request that it be processed as a regular LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved and it becomes a certified part of the LCP.

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed LCP amendment would replace the LCP's existing signage regulations. The primary goals of the proposed LCP amendment are to: simplify and streamline the signage permitting process; ensure that signage protects and enhances the aesthetic qualities of the City, including by requiring that signs are compatible with the associated structure; prohibit illuminated signs in certain zoning districts; provide guidelines and requirements related to the size, location, materials, and colors of signs; add language pertaining to noncommercial sign allowances based on a recent court ruling (*Reed v. Town of Gilbert* (2015) 576 U.S. 155);¹ and improve accessibility by minimizing signage hazards to motorists and pedestrians that may result from excessive and/or distracting signs.² The proposed amendment also includes new language clarifying coastal permitting requirements for signs and requiring that signs within the coastal zone comply with the LCP, including in terms of coastal resource protection (i.e., visual resource protection, public access and recreation, community character, etc.). The proposed amendment also includes an updated IP section regarding violations and enforcement actions with respect to illegal signs.

In sum, the proposed amendment includes a series of requirements for signage within the coastal zone in order to ensure an orderly and visually appealing aesthetic. The proposed amendment also makes it clear that any signage that could affect public coastal access, including changes in the availability and timing of public parking or "no access allowed" signs, are explicitly required to obtain CDP authorization so the potential public access impacts of such signage may be evaluated. As such, the proposed amendment should not have any adverse impact to coastal resources and qualifies as a minor LCP amendment under the Commission's regulations because it only contains "changes in wording" and "correction, reorganization, revisions, or deletions" "which do not change the kind, location, intensity, or density of use."

California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional

¹ The portion of the proposed amendment that addresses noncommercial sign allowances is included due to recent court rulings. These changes add the following to the IP: language that allows noncommercial content wherever commercial content is allowed; definitions for "commercial message," "commercial sign," and "election period;" and a section allowing small temporary noncommercial signs on residential property (see proposed IP Section 17.57.020 and 17.57.030(C&D) in **Exhibit 1**).

² The proposed amendment is intended to improve accessibility and minimize hazards to pedestrians and motorists in the following ways: requiring that sidewalk signs not interfere with pedestrian ingress/egress; prohibiting lights on sidewalk signs; allowing a maximum of two sidewalk signs per business (see proposed IP Section 17.57080(K) in **Exhibit 1**). The proposed amendment also adds a new IP section regarding prohibited signs, including those that have become a public nuisance due to inadequate maintenance; those that feature flags or pennants; whirligigs that are designed to wave, flutter, rotate, or move in any way; signs that simulate traffic control signs; and signs that flash, blink, change color, or intensity (see proposed IP Section 17.57.060 in **Exhibit 1** for the complete list of prohibited signs).

equivalent of the environmental review required by CEQA. (See 14 CCR Section 15251(f).) Local governments are not required to undertake environmental analysis of proposed LCP amendments (see Pub. Res. Code Section 21080.9; see also 14 CCR Section 15265(a)(1)), although the Commission can and does use any environmental information that the local government has developed in certifying LCP amendments consistent with Coastal Act and CEQA requirements. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City of Capitola found the proposed amendments to be exempt pursuant to California Code of Regulations Sections 15061(b)(1), 15061(b)(2), and 15061(b)(3), noting that there is no possibility that the proposed amendments would have a significant effect on the environment. This report has discussed the relevant coastal resource issues with the proposal including those related to land use and agricultural resources. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its virtual hearing on September 11, 2020. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Rainey Graeven (Rainey.Graeven@coastal.ca.gov) at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed minor LCP amendment determination, please do so by 5:00 p.m. on Friday, September 4, 2020.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on July 8, 2020. It amends only the IP component of the LCP. The 60-working-day action deadline is October 1, 2020. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until October 1, 2020 to take a final action on this LCP amendment.

Exhibit:

Exhibit 1: Proposed Amendment Text in Strikethrough and Underline