

CALIFORNIA COASTAL COMMISSION

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W17b

June 17, 2021

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director, South Coast District
Zach Rehm, Supervisor of Planning
Liliana Roman, Coastal Program Analyst

SUBJECT: De Minimis Amendment Determination for City of Newport Beach LCP Amendment LCP-5-NPB-21-0036-1 Part B (Nonconforming Signs), reported to the Commission at its July 7, 2021 virtual meeting.

Proposed Amendment

On April 29, 2021, the City of Newport Beach submitted LCP Amendment No. LCP-5-NPB-21-0036-1; Parts A through D were filed complete on June 8, 2021. The proposed amendment was submitted for Coastal Commission action via City Council Resolution No. 2021-17 included as **Exhibit 2**. Part B of the amendment involves revisions to the Land Use Plan (LUP) Policy 4.4.4-4 regarding signs and Section 21.30.065.E (Removal of Nonconforming Signs) of the Implementation Plan (IP) portion of the certified LCP. LUP Policy 4.4.4-4 reads: “Implement programs to remove illegal signs and amortize legal nonconforming signs.” Nonconforming signs are signs that were at one point permitted, but due to new changes in the City’s municipal code, no longer meet code requirements. In 2005, the City updated its sign regulations and the new standards made many previously allowed signs nonconforming. Signs that did not conform to these new regulations were allowed a 15-year amortization period from the effective date of the 2005 sign code update (October 27, 2020) to abate the nonconformity. The City’s certified LUP last updated in 2009 included Policy 4.4.4-4 requiring implementation of programs to remove illegal signs and amortize legal conforming signs.

The proposed amendment would delete the language at the end of LUP Policy 4.4.4-4 that allows for the amortization of legal nonconforming signs, and would delete IP Section 21.30.065(E) that references the City’s self-imposed deadline of October 27, 2020 for the removal or alteration of nonconforming roof and pole signs. No other changes are proposed to the remaining IP Section 21.30.065(A) through (D), which provide regulations for roof top and freestanding signs in the coastal zone. See **Exhibit 1** for a redline version of the proposed changes. There were approximately 400 legal nonconforming signs in 2005 (citywide, not just the coastal zone), of which approximately 140 signs have either been brought into conformance or have been removed in the last 15 years. The proposed LCP amendment would not add new regulations or delete existing ones, but would delete a deadline for the abatement of legal nonconforming signs. The LCP already contains requirements for the removal of nonconforming structures when the structure (in this case sign) is remodeled or when more than 50% of the structure is proposed to be replaced.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is “de minimis.” In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the Chapter 3 policies of the Coastal Act;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more Commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more Commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (in this case, on July 17, 2021). The purpose of this notice is to advise interested parties of the Executive Director’s determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed briefly below:

1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:

The proposed changes will not result in any new adverse impacts to coastal views, coastal access, coastal resources or public recreation and would maintain the appeal of existing visitor-serving business in the coastal zone. The proposed amendment would not authorize new or additional types of signs. Thus, the proposed amendment will not adversely affect coastal views, coastal access, and other coastal resources, and it is consistent with the Chapter 3 policies of the Coastal Act.

2. Provision of public notice: The City provided public notice, including via newspaper, in advance of the Planning Commission hearings (held on May 7, 2020 and November 19, 2020) and the City Council hearings (held on June 23, 2020 and February 23, 2021) where the proposed amendment was considered. The proposed text was made available at the City Clerk’s office and on the City’s website for public inspection, all in advance of the City’s hearings. The amendment submittal was subsequently received by the Commission on April 29, 2021 and filed as complete on June 8, 2021. Therefore, the 21-day noticing requirement has been satisfied.

3. No change in use of land or allowable use of property: No change in land use is

proposed by this amendment since it simply addresses the removal of an amortization period for the abatement of legal nonconforming roof top and pole signs from the LCP.

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 Natural Resources as being the functional equivalent of the environmental review required by CEQA. The City exempted the proposed amendment from environmental review under CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its July 7, 2021 meeting to be held online as a virtual meeting and teleconference. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Liliana Roman at the South Coast Office in Long Beach or by email (Liliana.Roman@coastal.ca.gov). If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by 5:00 p.m. on July 2, 2021.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on June 8, 2021. It amends both the LUP and IP portions of the certified LCP and the 90-working-day deadline for Commission action on the amendment is September 6, 2021.