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Prepared June 24, 2022 for the July 13, 2022 Hearing

TO: Coastal Commissioners and Interested Persons

FROM: Shana Gray, Deputy Director
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Tatiana Garcia, Coastal Program Analyst

SUBJECT: **City of Eureka LCP Amendment No. LCP-1-EUR-20-0072-2 (Sign Regulations)**

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission, upon completion of a public hearing, deny the Implementation Plan (IP) amendment as submitted, but certify the IP amendment if modified as suggested by staff. Pursuant to Coastal Act section 30513, to certify the proposed IP amendment, the Commission must find that the IP as amended conforms with and is adequate to carry out the policies of the certified Land Use Plan (LUP).

The City of Eureka is proposing to amend the IP portion of the City's certified Local Coastal Program (LCP) related to signs to (1) repeal and replace IP Article 17 (Signs) with an updated Article 17 with regulations pertaining to type, size, dimensions, placement, number, and design of signs and (2) amend related sections of IP Articles 1, 18, 22, 26, and 29 pertaining to signs. As defined in the proposed updated sign regulations, a sign is "any structure, object, or device that uses letters, numbers, graphics, colors or other means of communication to advertise, announce, or communicate information of any kind to the public."

The major Coastal Act and LUP issues raised by proposed amendment relate to protection of visual resources, public access, and natural resources. Staff recommends that the proposed IP amendment as submitted is inconsistent with and inadequate to implement the policies of the certified LUP and therefore must be denied. Staff is recommending five suggested modifications to provide adequate standards to implement the certified LUP. Commission staff has developed these modifications in coordination with the City staff, and City staff has indicated its agreement with the Commission staff's recommendation.

To ensure consistency with LUP policies protecting visual resources, **Suggested Modification 1** would (in part) modify text of proposed Article 17 to prohibit digital signs in the industrial zones, which is necessary to protect public views from scenic public vista points and from waterfront walkways, including the California Coastal Trail (CCT), as required by LUP policy 5.B.1(d). Digital signs raise visual issues because they can be distracting and visually incompatible with the scenic nature of waterfront and other scenic coastal areas. Under the proposed regulations, digital signs will be limited to certain portions of the City (i.e., only along those “Service Commercial” (CS) properties that front Broadway, the planned shopping center area of south Broadway (CP), and the general industrial (MG) and limited industrial (ML) zone districts). Broadway Street is the Highway 101 arterial and commercial strip through the western end of the City. Along most of the length of Broadway, the coastal zone boundary borders the inland edge of the roadway. Lands fronting Broadway do not contain coastal scenic views or other visual qualities that warrant specific protection under the certified LUP. In contrast, the proposed allowance of digital signs on industrial lands, which are generally adjacent to the bayfront portions of the City, would not conform with LUP requirements to protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways. Because the industrial areas of the City are largely absent of signs and currently act as a transitional zone between scenic coastal areas and inland commercial uses, new digital signs of up to 100 square feet in area would be out of scale and character with the area. Suggested Modification 1 would prohibit the allowance of digital signs in industrial areas, and with this suggested modification, the total number of parcels in the coastal zone that could potentially be developed with digital signs would be reduced by approximately two thirds.

Staff also recommends **Suggested Modification 2** to ensure that repair and maintenance of nonconforming signs is undertaken consistent with the limitations of Article 22 (Nonconforming Uses, Structures, and Signs), **Suggested Modification 3** to ensure that signs do not interfere with public access inconsistent with the public access policies of the Coastal Act or the City’s certified LCP, **Suggested Modification 4** to ensure protection of ESHA and wetlands consistent with LUP requirements, and **Suggested Modification 5** to make various minor, non-substantive corrections and clarifications.

As discussed in the attached Findings, staff recommends that the proposed IP amendment as submitted by the City is inconsistent with and inadequate to implement the policies of the certified LUP and therefore must be denied. Staff further recommends that only as modified as suggested will the IP component conform with and provide adequate standards to implement the certified LUP. The motions to adopt the staff recommendation are on page 4.

Table of Contents

I. MOTIONS AND RESOLUTIONS 4

II. SUGGESTED MODIFICATIONS 5

III. PROCEDURAL ISSUES 9

 A. Standard of Review 9

 B. Public Participation 10

 C. Procedural Requirements 10

 D. Deadline for Commission Action..... 10

 E. Additional Information..... 10

IV. FINDINGS FOR DENIAL OF IP AMENDMENT AS SUBMITTED & APPROVAL IF MODIFIED AS SUGGESTED 11

 A. Description of Proposed Amendment..... 11

 B. Consistency Analysis..... 16

 1. Visual Compatibility and Protection of Visual Resources 16

 2. Protection of Public Access..... 29

 3. Protection of Natural Resources 32

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) 36

APPENDICES

[Appendix A – Suggested Modifications](#)

EXHIBITS

[Exhibit 1 – City of Eureka Coastal Zoning Map](#)

[Exhibit 2 – Map of City of Eureka’s Coastal Zone, City Limits, and Highway 101](#)

[Exhibit 3 – Map of LUP-designated Scenic Coastal Areas of Public Importance](#)

[Exhibit 4 – Core Area Map](#)

[Exhibit 5 – Map of the CCT and Coastal Access Points](#)

[Exhibit 6 – Resolution of Transmittal and Ordinance of Adoption of IP Amendment](#)

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, first reject the IP amendment as submitted and then approve the amendment if modified as suggested in the staff report. The Commission needs to make two motions in order to act on this recommendation.

A. Denial of the IP Amendment as Submitted

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the implementation program amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion A: I move that the Commission reject Implementation Program Amendment No. LCP-1-EUR-20-0072-2 as submitted by the City of Eureka.

Resolution A: The Commission hereby denies certification of Implementation Program Amendment No. LCP-1-EUR-20-0072-2 as submitted by the City of Eureka on grounds that the implementation program amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. Certification of the implementation program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

B. Certify IP Amendment with Suggested Modifications

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion B: I move that the Commission certify Implementation Program Amendment No. LCP-1-EUR-20-0072-2 for the City of Eureka if modified in accordance with the suggested changes set forth in the staff report.

Resolution B: The Commission hereby certifies the IP Amendment No. LCP-1-EUR-20-0072-2 for the City of Eureka if modified as suggested on grounds that the implementation program, as amended, conforms with and is adequate to carry out the provisions of the certified land use plan. Certification of the implementation program amendment will comply with the California Environmental Quality Act, because 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the implementation program amendment on the environment,

and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed IP amendment, which are necessary to ensure that the IP conforms with and is adequate to carry out the policies of the LUP. If the City of Eureka accepts the suggested modifications within six months of Commission action, by formal resolution of the City Council, the modified amendment will become effective upon the Executive Director's determination that the City's action is legally adequate and has reported that determination to the Commission at a Commission meeting.

Text shown below in underline and ~~strike through~~ font denotes text that the City proposes to add or delete (respectively) to the certified IP. Text in **bold double underline** and ~~**bold double underline**~~ format denotes text to be added through the Commission's suggested modifications. [Appendix A](#) includes all suggested modifications in the context of the complete proposed ordinance.

1. **SUGGESTED MODIFICATION 1: MODIFICATIONS FOR CONSISTENCY WITH VISUAL RESOURCES POLICIES.** To ensure consistency with LUP policies protecting visual resources, modify the text of the following sections of Article 17 as follows (1) add text to 10-5.1707.7(d), to ensure that signs in the Core Area retain the historic waterfront building scale, form, and general character; and (2) modify Table 17-10 to prohibit digital signs in the industrial zones to protect public views from scenic public vista points and the coastal trail.

Sec. 10-5.1707. Sign permits.

...

10-5.1707.7. Signs in the Coastal Zone.

(a) In addition to any other permits required by this Article, signs located in the coastal zone are subject to the requirement to obtain a coastal development permit as provided in Sections 10-5.29300 through 10-5.29400 of Article 29 (Coastal Development Permit Procedures).

(b) Approval of a Creative or Master sign permit for a sign located in the coastal zone must be found consistent with the certified Local Coastal Program.

(c) When a Creative or Master sign permit and a coastal development permit are required pursuant to Article 29, action will be taken by the Planning Commission.

(d) New signs will be sited to (1) avoid and minimize obstruction of scenic views and scenic coastal areas as defined in Sec. 10-5.2944.1 (Scenic Coastal Areas), ~~and~~ (2) protect the scenic and visual qualities of coastal areas, **and (3) in**

the Core Area, retain the historic waterfront building scale, building form, and general character.

...

Table 17-10: Digital signs

Definition: A sign that displays a visual image using liquid crystal cells or other types of light emitting diodes (LEDs), or their functional equivalent, where the image can be easily changed, typically by remote control or computer programming. Also known as Electronic Message Center (EMC) signs. Excludes fuel price signs and internally illuminated window signs.

Where allowed:

In the CS Service Commercial zone district, only on properties fronting Broadway, and in the CP Planned Shopping Center zone district, ~~MG General Industrial zone district, and ML Limited Industrial zone district~~

...

<u>Standard</u>	<u>CP, CS, MG, ML Zone Districts</u>
<u>Max. number</u>	<u>1 per site</u>
<u>Max. frequency of message display change</u>	<u>15 sec.</u>
<u>Max. height</u>	<u>Established by the sign type into which the digital sign is incorporated.</u>
<u>Max. percentage of sign area containing digital display</u>	<u>66 percent of total allowable sign area of the sign type into which the digital sign is incorporated to a maximum of 100 sq. ft</u>
<u>Max. width</u>	<u>No max.</u>

...

2. SUGGESTED MODIFICATION 2: CLARIFY STANDARDS FOR REPAIR AND MAINTENANCE AND NONCONFORMING SIGNS. To prevent redevelopment of legal nonconforming signs with visual impacts inconsistent with the LUP, add text to Article 17 sec. 10-5.1703.2 and 10-5.1709.5 to ensure that repair and maintenance of nonconforming signs are undertaken consistent with the limitations of Article 22 (Nonconforming Uses, Structures, and Signs) and add text to Article 22 to clarify that: (1) repair and maintenance shall not include expansion or enlargement of the physical structure or sign; (2) percent of repair calculation shall take into consideration previous repairs over time from the date of initial repair, and (3) the replacement of 50 percent or more of a structure or sign is not repair and maintenance but instead constitutes a replacement structure or sign requiring a CDP in the coastal zone.

Article 17. Signs:

Sec. 10-5.1703.2. Routine maintenance.

The painting, cleaning, repair, and normal maintenance of a legally established sign in conformance with 10-5.1709.5 (Maintenance) is allowed by-right, without a zoning permit or other form of Department approval, except as provided by Sec. 10-5.1707.7(a). **Maintenance of a nonconforming sign is allowed pursuant to Sec. 10-5.2202 of Article 22 (Nonconforming Uses, Structures, and Signs).**

...

Sec. 10-5.1709.5. Maintenance.

(a) All signs and supporting hardware, including temporary signs, must be maintained in a state of good repair at all times.

(b) Any repair to a sign must be of equal or better quality of materials and design as the original sign.

(c) A sign that is not properly maintained or is dilapidated will be deemed a public nuisance, and may be abated in compliance with Article 28 (Administration and enforcement) and Municipal Code Section 10.35 et seq. (Administrative citations). Examples of dilapidated signs include the following:...

(d) Maintenance of a nonconforming sign is allowed pursuant to Sec. 10-5.2202 of Article 22 (Nonconforming Uses, Structures, and Signs).

...

Article 22. Nonconforming Uses, Structures, and Signs:

Sec. 10-5.2202. Continuation and maintenance.

...

~~(c) A sign, outdoor advertising structure, or display of any character lawfully occupying a site on October 16, 1966, or at the time of subsequent amendments to this chapter, that does not conform with the standards for subject matter, location, size, lighting, or movement prescribed for signs, outdoor advertising structures, and displays for the district in which it is located shall be deemed to be a nonconforming sign and may be displayed and maintained, except as otherwise provided in this article. A nonconforming sign may continue its use as a sign, **consistent with the routine maintenance provisions of this section**, if it was legally established in compliance with all applicable regulations in effect at the time the sign was installed. It is the applicant's responsibility to demonstrate that the sign was legally established.~~

(d) Routine maintenance and repairs may be performed on a structure or site the use of which is nonconforming, on a nonconforming structure, and on a nonconforming sign. Changes to sign copy/face and repainting of legal nonconforming signs is permitted as long as there is no alteration to the physical structure or support elements of the sign. **Repair and maintenance shall not**

include expansion or enlargement of the physical structure or sign. A legal-nonconforming sign that sustains less than 50-percent damage to its structure may be repaired to its original pre-damaged condition, provided that such repair is completed within 180 days after the date of the damage. Percent of repair calculation shall take into consideration previous repairs over time from the date of initial repair. The replacement of 50 percent or more of a structure or sign is not repair and maintenance but instead constitutes a replacement structure or sign requiring a coastal development permit in the coastal zone.

...

3. **SUGGESTED MODIFICATION 3: MODIFICATIONS FOR CONSISTENCY WITH PUBLIC ACCESS POLICIES.** Modify text of Article 17 sec. 10-5.1704.2 and 10-5.1707.7 to ensure that signs do not interfere with public access.

10-5.1704.2. Prohibited location or placement.

Signs placed in the following locations are prohibited:

...

(i) In the coastal zone, signs that interfere with public access inconsistent with the public access policies of the Coastal Act or the City's certified Local Coastal Program.

...

10-5.1707.7. Signs in the Coastal Zone.

(a) In addition to any other permits required by this Article, signs located in the coastal zone are subject to the requirement to obtain a coastal development permit as provided in Sections 10-5.29300 through 10-5.29400 of Article 29 (Coastal Development Permit Procedures).

...

(e) In the coastal zone, a Coastal Development Permit is required for any sign that could impact public recreational access, including parking opportunities near bay access points or parklands, such as any changes in parking cost, timing or availability, and any signage prohibiting public parking, trespassing, and/or public coastal access, unless the sign is subject to Categorical Exclusion Order E-88-2.

4. **SUGGESTED MODIFICATION 4: MODIFICATIONS FOR CONSISTENCY WITH ESHA AND WETLAND PROTECTION POLICIES.** To ensure protection of ESHA and wetlands consistent with LUP requirements, (1) retract the allowance of monument signs in Natural Resources (NR) zone district (Table 17-8), (2) modify the standards for Master sign permits (sections 10-5.1707.3 and 10-5.1708.4) to require a Master permit for signs in the Natural Resources (NR) and Coastal Agriculture (AC) zone

districts in the same manner that a master sign permit is required for signs in the Public (P) and Public Facilities/Marina (PF/M) zone districts, (3) for consistency with existing IP Article 29 Part 6 sec. 10-5.2961(b) (Natural Resources District), remove and replace the text that states “No sign, advertising sign or structure, or billboard shall be permitted” with text that states “No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs)].

10-5.1707.3. Master sign permit.

(a) Purpose. The purpose of the Master Sign Permit is to provide a coordinated approach to signage for large sites/buildings and non-residential multi-tenant developments, buildings, or adjacent/adjoining properties/parcels; **for signs in the P, PF/M, NR, and AC zone districts.**

(b) Any site greater than one acre, any site with tenant spaces above the first floor, any site in a P Public, ~~or~~ PF/M Public Facilities/Marina, **NR Natural Resources, or AC Coastal Agricultural** zone, or any non-residential development, building, or property with three or more tenants, may request approval of a Master Sign Permit.

...

10-5.1708.4. Public, Public Facilities/Marina, **Natural Resources, and Coastal Agricultural** zone districts.

In the Public (P), ~~and~~ Public Facilities/Marina (PF/M), **Natural Resources (NR), and Coastal Agricultural (AC)** zone districts:

(a) The Director will determine the allowed sign types and size based on the signage needs of the associated uses.

(b) A Master sign permit (Sec. 10-5.1707.3) is required.

5. **SUGGESTED MODIFICATION 5: MODIFICATIONS FOR INTERNAL CONSISTENCY, CROSS REFERENCES, AND MINOR CORRECTIONS AND CLARIFICATIONS.** Modify various sections of Article 17 (Signs) as shown in Appendix A for internal IP consistency, to add cross-references to related IP sections, and to make minor, non-substantive corrections and clarifications.

III. PROCEDURAL ISSUES

A. Standard of Review

Pursuant to Coastal Act section 30513, to certify the proposed amendment to the IP portion of the City of Eureka LCP, the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified LUP.

B. Public Participation

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City of Eureka's Planning Commission held a public hearing on the proposed amendment on August 10, 2020, and the City Council held a public hearing on September 1, 2020. No public comment was received at either meeting. The hearings were noticed to the public consistent with sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. Procedural Requirements

If the Commission certifies the LCP amendment as submitted, the LCPA takes effect automatically and no further City action will be necessary to formally adopt the amendment. Should the Commission certify the LCP amendment subject to suggested modifications, final acceptance of the suggested modifications by the City and a determination by the Executive Director that the City's action adopting the suggested modifications is legally adequate will be required for the amendment to take effect. Should the Commission deny the LCP amendment as submitted without suggested modifications, no further action is required by either the Commission or the City, and the proposed LCP amendment will not become effective.

D. Deadline for Commission Action

The City initially transmitted this IP amendment application to the Commission on November 9, 2020. Commission staff requested certain information necessary to complete the application on November 23, 2020. The City provided some of the requested information on September 21, 2021 and the remaining information on October 20, 2021. On November 3, 2021, Commission staff deemed the subject application filed. A one-year time extension was granted by the Commission on December 16, 2021. As a result, the last day for Commission action on this item is January 31, 2023.

E. Additional Information

For further information, please contact Tatiana Garcia at the Commission's North Coast District Office in Arcata at Tatiana.Garcia@coastal.ca.gov. Please mail correspondence to the Commission at the letterhead address. In addition, please send a copy of all correspondence or other documents electronically to NorthCoast@coastal.ca.gov.

IV. FINDINGS FOR DENIAL OF IP AMENDMENT AS SUBMITTED & APPROVAL IF MODIFIED AS SUGGESTED

A. Description of Proposed Amendment

The City of Eureka (City) is proposing to amend the Implementation Program (IP) portion of the City's certified Local Coastal Program (LCP) related to signs to (1) repeal and replace IP Article 17 (Signs) with an updated IP Article 17 with regulations pertaining to type, size, dimensions, placement, number, and design of signs and (2) amend related sections of IP Articles 1, 18, 22, 26, and 29 pertaining to signs ([Exhibit 6](#)). As defined in the proposed updated sign regulations, a sign is "any structure, object, or device that uses letters, numbers, graphics, colors or other means of communication to advertise, announce, or communicate information of any kind to the public." The proposed regulations would apply to all signs (other than those specifically exempted), including signs for which no City permit or other approval is required.

There are several differences between the existing certified IP Article 17 sign regulations and the new sign regulations proposed under this IP amendment request. These include but are not limited to: (1) details pertaining to type, size, dimensions, placement, number, and design of signs; (2) new sign permit types and associated permit requirements, (3) updated regulations for off-premises and non-conforming signs, (4) new restrictions for digital (electronic messaging) signs, (5) updated standards for illumination; and (6) specifications of prohibited sign types and features.

As specified in the adopted ordinance, the intent of the proposed updated regulations is in part to: (1) allow for signage that identifies businesses and other properties in a fair and equitable manner; (2) promote the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape; (3) ensure that signs are compatible with their surroundings; (4) promote the free flow of traffic and avoid the use of cluttered, distracting, or illegible signage; (5) emphasize Eureka's small-town historical character by promoting pedestrian-oriented and appropriately-scaled signage in all parts of town other than Broadway; and (6) acknowledge Broadway's role as a primarily vehicular corridor through Eureka and allow for larger-scale and more vehicle-oriented signs on Broadway while still emphasizing aesthetic quality and scales appropriate for Eureka. Table 1 summarizes the types of signs addressed under the proposed regulations, descriptions and standards of each sign type, and zones where the specified sign types would be allowed. A certified zoning map for the City is included in [Exhibit 1](#). For a summary of which types of signs would be allowed in each of the various land use/zoning designations in the coastal zone, see Table 4 (Finding B).

Table 1. Summary of individual sign types addressed under the proposed regulations. For additional standards associated with each sign type see ordinance tables 17-1 through 17-10 (Exhibit 6).

LCP-1-EUR-20-0072-2 (Sign Regulations)

Sign Type	Description	Standards/Zoning Designations¹
Wall	Attached to, or painted on, the exterior wall of a structure, with the display surface of the sign parallel to the building wall, not extending above a fascia, parapet, or mansard roof	Internal or external illumination allowed (except internal not allowed in residential zones). Max number, area, and height vary by zone district. Allowed in CP, OR, CW, CN, CS, MC, ML, MG
Window, non-illuminated	Posted, painted, placed, or affixed in or on a window exposed to public view, including windows on upper floors.	For each window, at least 75% of total window area must be free of signage. Allowed in OR, CW, CN, CS, MC, ML, MG
Window, internally illuminated	With individually illuminated letters, numbers, or graphics not exceeding 12 sq.ft. including illuminated "open" signs and signs illuminated with LEDs, neon, or other fluorescing gas	Two per tenant frontage allowed. For each window, at least 75% of total window area must be free of signage. Expressly disallows digital, and animated signs require a Creative Sign Permit. Allowed in OR, CW, CN, CS, MC, ML, MG
Projecting and suspended	Permanently attached to a building or wall such that the sign face is perpendicular to the building or wall	Internal or external illumination allowed. If it projects over a public walkway or walk area, it must have an overhead clearance of at least 8 ft and require an Encroachment Permit. Allowed in CP, OR, CW, CN, CS, MC, ML, MG
Awning/Canopy	Incorporated into, attached to, or painted on the face or valance of an awning; attached to a fixed overhead shelter used as a roof	Internal or external illumination allowed. Awnings and canopies without lettering or sign copy are not regulated as signs. Allowed in CP, OR, CW, CN, CS, MC, ML, MG
Roof	Erected above a roof and/or the parapet of a building; does not include signs attached to a building wall or other horizontal building element	Internal or external illumination allowed. Expressly disallows digital. Max area 100 sq.ft. Max height 16 ft. above top of building (but may not exceed the max height allowed for the main structure). Allowed in CS, ML, MG
Monument	Detached from a building and supported on the ground by one or more structural elements that are one-quarter or more of the width of the sign face	Internal or external illumination allowed. Not allowed on a site that also contains a pole sign. One per site allowed (except 3 allowed in CP zone along Broadway frontage). Max height 8-12 ft. Allowed in CP, NR, OR, CW,

¹ The IP zoning designations are as follows: CN=Neighborhood Commercial; CP=Planned Shopping Center; CS=Service Commercial; CW=Waterfront Commercial; MC=Coastal-Dependent Industrial; MG=General Industrial; ML=Limited Industrial; OR=Office/Multi-Family Residential; NR=Natural Resources. See also Table 4 (Finding B).

		CN, CS, MC, ML, MG
Pole	Detached from a building and supported on the ground by one or more structural elements that are less than one-quarter the width of the sign face	Internal or external illumination allowed. Not allowed on a site that also contains a monument sign. One per site allowed (except 4 allowed in CP zone). Must be placed in a planter box or other landscaped area. Max height 24 ft. Allowed in CP, CS, ML, MG, MC
Digital	Displays a visual image using LEDs, or their functional equivalent, where the image can be easily changed. Also known as Electronic Message Center (EMC) signs. Excludes fuel price signs and internally illuminated window signs	Permitted only when incorporated into a monument, wall, or pole sign that also includes additional non-digital sign copy. One per site allowed. May not be used as an off-premise sign or for any form of off-site advertising. Allowed in CS only on properties fronting Broadway as well as in CP, MG, and ML.
Marquee	Limited to theaters, auditoriums, indoor amusement/entertainment facilities, and similar facilities	Digital display is allowed only for sign copy that advertises films, performances, and other events. Digital display may change no more than once/day and must comply with brightness standards for digital signs.

Types of Sign Permits

The proposed regulations include three types of permits for signs, summarized in Table 2. A CDP also may be required for signs pursuant to IP Article 29, CDP Procedures, unless the sign would be exempt either as an improvement to an existing structure (IP Article 29 sec. 10-5.29303) or if covered under the City’s existing categorical exclusion order (E-88-2), which authorizes the development of onsite, outdoor wall-mounted signs, less than 24 square feet in size, no higher than the vertical wall to which they are attached, in the CW, CS, and CP zones except on “Lots or parcels within or visible from scenic coastal resource areas” (IP Article 29 sec. 10-5.29304.1).

Table 2. Summary of permit types required for new signs, purpose of permit type, and process for each permit type.

Permit Type	Purpose	Process
Administrative sign permit	Required for all new signs except those specified as exempt (e.g., see Table 2) or permitted with a master or creative sign permit. All sites are limited to using up to three types of signs unless approved otherwise with a master sign permit.	Ministerial permit. Must comply with applicable standards and may be approved without public notice or hearing.
Master sign permit	For large sites/buildings and non-residential multi-tenant developments, buildings, or adjacent/adjoining properties/ parcels; may be granted for	Requires review and approval by the Design Review Committee and findings of LCP conformity. May not allow prohibited signs or deviation

LCP-1-EUR-20-0072-2 (Sign Regulations)

	any site greater than one acre, any site with tenant spaces above the first floor, any site in a P or PF/M zone, or any non-residential development, building, or property with three or more tenants.	from digital sign requirements. Among other findings, the number, placement, design, and material of the allowed signs must be compatible with the architectural design of buildings on the site.
Creative sign permit	Allows for creative signs that deviate from sign standards in the proposed ordinance; intended to “encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit;” subject to special findings related to unique design, higher than average creative, artistic, and/or sculptural nature, etc.	Requires review and approval by the Design Review Committee and findings of LCP conformity. No deviations may be granted for digital signs, which must comply with specifications in Table 17-10. May allow changes in color, chase lighting, neon, and animated. This type of sign permit is required for all marquee signs.

Signs Specified as Exempt

The proposed regulations list various types of signs that would be exempt from the above sign permit requirements and which would not be counted towards the allowable sign area or allowable number of signs on a site. However, the regulations note that signs listed as exempt from local permit requirements may still require a CDP under the LCP’s general procedures for coastal development permits.

Table 3. Summary of signs specified as exempt from sign permit requirements. Signs listed as exempt still would be subject to the requirement to obtain a CDP under IP Article 29 sec. 10-5.29300 through 10-5.29400 (CDP Procedures).

Sign Type	Maximum Size or Area	Restrictions/Notes
Street, apartment, unit, suite numbers, and nameplates	4-in. high residential 6-in. high commercial	
Commemorative plaque identifying a building name, date of construction, or similar information cut into, carved, or made of stone, concrete, metal, or other similar permanent material	Not specified	Only one such sign qualifies as exempt; must be non-illuminated
Holiday and cultural observance decorations on private property	Not specified	No commercial advertising allowed
Sandwich board signs on private property	4 ft. (vertical or horizontal)	No digital allowed
Onsite directional signs identifying direction to parking, restrooms, and similar public facilities	Each up to 5 ft. high and 2 sq.ft. (for residential uses) to 5 sq.ft. (for non-residential uses) in area	Must be located entirely on the property to which the sign pertains
Street frontage directory signs	1 sq.ft. per tenant; max 6 ft. high if freestanding	No internal illumination allowed
Wall-mounted outdoor signs	2 sq.ft.	Only one such sign qualifies as exempt; no illumination

LCP-1-EUR-20-0072-2 (Sign Regulations)

		allowed
Vacation dwelling unit signs	2 sq.ft.	One per lot; wall-mounted; no illumination allowed
Flags	Not specified	No commercial messages or graphic symbols allowed
Signs installed or required by a governmental agency	Not specified	Includes signs advertising community activities and local nonprofit, civic, or fraternal organizations
Public safety and convenience signs	3 sq.ft. per sign and 10 sq.ft. total	Excludes internally illuminated window signs
Interior signs intended for interior viewing	Not specified	Not visible from public right-of-way
Window signs posted, painted, placed, or affixed in or on a window exposed to public view. See proposed Table 17-3 in proposed new Article 17 regs.	For ground floor tenants and uses, max. area depends on the zone, ranging between 25 and 50% of total tenant frontage window area. No specifications for upper floor window signs	No illumination allowed; may not appear to move, change intensity, color, or pattern or create glare or halo effect
Window signs with individually illuminated letters, numbers, or graphics not exceeding 12 sq.ft. Includes illuminated "open" signs and signs illuminated with LEDs, neon, or other fluorescing gas. See proposed Table 17-4 in proposed new Article 17 regs.	Max. area depends on the zone (see Table 17-4), ranging between 25 and 50% of total tenant frontage window area	No digital allowed but may be internally illuminated; may not appear to move, change intensity, color, or pattern or create glare or halo effect. Animated window signs require a Creative Sign Permit
Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semipublic use	Not specified	Examples include restrooms, vending machines, ATMs, gasoline pumps, drive-thru restaurant menu boards
"No trespassing" signs	1 sq.ft. each, placed at each property corner and entrance	Sign intervals shall be not less than 100 feet or in compliance with state or federal law
Bulletin boards	12 sq.ft.	One allowed per parcel occupied by a

		non-commercial place of public assembly
Real estate listings within the window of a real estate office	25% of total window area	
Restaurant menu signs	Not specified	Attached to a building
Service station price signs as required by State law	Not specified	Digital displays must comply with brightness limitations of Table 17-10. May change no more than once per day
Temporary signs Must comply with proposed sec. 10-5.1704 (Prohibited Signs) in terms of prohibited sign types, location, placement, design features, and content and with sec. 10-5.1710 (Temporary Signs) in terms of maximum area, duration, and other standards	25 sq.ft. per tenant, business, or land use except for tenants with 50 ft. or more of tenant frontage, max area is 0.5 sq.ft. per linear foot of building frontage to a maximum of 100 sq.ft.	Illumination prohibited. Maximum duration: 90 days for yard signs; 180 days for post signs; 60 days/year for all other temporary signs.
Murals, decorations, and design elements on the exterior of a building that do not advertise a product, business, or service	Not specified	Advertisement includes text displaying the name of a business, name of a product, text publicizing a service, business-specific logos, and product-specific logos

Other Minor IP Amendments

Other proposed changes to the IP include amendments to IP Article 1 Definitions, involving deleting existing definitions for “Advertising sign,” “Indirect illumination,” “Outdoor advertising structure,” “Sign area,” and “Sign, subdivision.” The definition for “Sign” also would be deleted except to reference the definition of “Sign” in new IP Article 17, Signs. Minor non-substantive changes also would be made to IP Article 18 related to Architectural Review, IP Article 26 related to Zoning Permits, and IP Article 29 related to CDP procedures for internal consistency and cross referencing. Changes would also be made to IP Article 22 regarding Nonconforming Uses, Structures, and Signs, as described in more detail in the below findings.

B. Consistency Analysis

1. Visual Compatibility and Protection of Visual Resources

Eureka is located on the eastern shore of Humboldt Bay. The coastal zone in the City encompasses portions of the City’s northern, northeastern, and western ends and extends inland generally about three street blocks from the bay shoreline, except along

the northeastern end of the City, where the coastal zone in some areas extends several additional blocks inland ([Exhibit 2](#)). There are several key areas in the City coastal zone where the erection of new signs could raise visual resources issues due to the high visibility of sign development to visitors traveling through or visiting the areas and/or due to visibility of signs from scenic coastal areas and the California Coastal Trail (CCT). Key areas for consideration of sign visibility include (1) Highway 101, a major arterial that bisects the City, including as Broadway Street and a portion of the Eureka-Arcata Highway 101 corridor; (2) Old Town Eureka and the City’s “core area” and waterfront areas, which are popular visitor-serving destination and pedestrian-oriented areas; and (3) the CCT, which traverses the City’s commercial industrial and bayfront areas.

(a) Applicable LUP Policies

The City’s LUP includes policies and goals related to visual resources and visual compatibility specific to the “Core Area” in the northern portion of the City, as described above. Goals of the Core Area include “*To create a compact, pedestrian-oriented, economically robust central Core Area that provides a clear geographic focus for attracting visitors and residents and for increasing private sector investment*” (Goal 1.B) and “*To maintain and expand views of the waterfront, inner harbor, and landmark buildings from public streets and other public spaces*” (Goal 1.H). Policies of the Core Area for protection of visual resources include the following (emphasis added):

1.D.1 The City shall retain the historic waterfront building scale, building form, and general character in waterfront revitalization and development as a means of creating a “Victorian Seaport” identity for the waterfront area. New buildings developed along the waterfront north of First Street/Waterfront Drive should not exceed three stories or 50 feet in height.

...

1.I.1 The City shall ensure that structures of historic or architectural interest are preserved and, wherever feasible, rehabilitated to protect the variety and quality of older buildings in the Core Area. In cases where such structures might be used to better advantage in new surroundings, the City shall encourage relocation.

Other LUP policies apply more broadly to the City’s coastal zone outside of the Core Area, including the following (emphasis added):

3.A.7 The City should improve the appearance of existing transportation right-of-way and incorporate high standards of aesthetic design when considering new transportation corridors, including streets, bikeways, walkways, and other related rights-of-way.

5.B.1 The City shall provide public open space and shoreline access through the Coastal Zone, particularly along the waterfront and First Street, through all of the following:

...

- c. *Establish scenic vista points at numerous locations along the waterfront, including construction of a public access vista point at the foot of Truesdale Street.*
- d. *Consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways.*

...

In addition, the certified LCP (IP Article 29 sec. 10-5.2944.1) designates certain areas “scenic coastal areas of public importance.” These include: (a) Woodley Island, Daby Island, Indian (Tuluwat) Island; (b) Eureka Slough Wildlife refuge, Second Slough, and Third Street Slough, including adjacent wetland and riparian areas; and (c) the lands northerly of Jacobs Avenue, including Murray Field and lands northeast of Murray Field ([Exhibit 3](#)). Within these areas, new off-site advertising signs or billboards are prohibited.

Consistent with Coastal Act section 30251, IP section 10-5.2944.2 requires permitted development within scenic coastal areas to minimize the alteration of natural landforms; be visually compatible with the character of the surrounding area; be sited and designed to protect views to and along the ocean and scenic coastal areas; and wherever feasible, restore and enhance visual quality in visually degraded areas. IP section 10-5.2944.3 requires that views from scenic vista points be protected “by insuring that adjacent permitted development does not obstruct views to and along the scenic coastal areas.”

Finally, the Zoning Schedule in IP Article 2 (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations) prescribes the basic site, yard, bulk, useable open space, and screening and landscaping regulations that shall apply in the districts. The schedule imposes a maximum height limit (for the main structure and accessory structures) of 35 feet in the CN, CP, ML, CS (inland of Highway 101 northeast of Eureka Slough), and certain residential and other zone districts.

(b) Standards Proposed to Protect Visual Resources

The proposed regulations as submitted include various standards to protect scenic resources and visual compatibility consistent with the above cited LCP requirements. First, the proposed regulations prohibit certain types of distracting signs outright that generally are incompatible with the character of the City’s coastal zone lands, including beacon signs, searchlights, inflatable balloon signs (unless used as a temporary sign), ticker signs, and off-premises signs.

Second, the proposed regulations prohibit certain design features, including, but not limited to, signs containing highly reflective or fluorescent materials; signs that blink, flash, strobe, change intensity; signs that emit audible sounds, odors, fumes, smoke, flames, etc.; and signs that wave, flutter, rotate or other wind-influenced movement.

Third, the proposed regulations include illumination standards to minimize glare and protect visual resources. Generally, light sources for signs (1) must be steady, stationary, and static in color, (2) may not produce glare that creates a public nuisance or hazard for motorists or pedestrians, and (3) must be positioned for externally illuminated signs so that light does not shine directly on adjoining properties or any environmentally sensitive habitat area or wetlands. These illumination standards are more detailed and protective of visual resources compared to illumination standards in the existing certified sign regulations, which specify that sign illumination “shall be maintained constant in intensity, color, and pattern at all times while the sign is lighted” and “no sign illumination shall be of such brightness as to create annoying or hazardous glare.”

Fourth, proposed section 10-5.1707.7(d) requires that new signs be sited to (1) avoid and minimize obstruction of scenic views and scenic coastal areas as defined in sec. 10-5.2944.1 (Scenic Coastal Areas), and (2) protect the scenic and visual qualities of coastal areas designated in sec. 10-5.2944.1. Signs that may extend above the top of a structure (i.e., roof signs), but may not extend above the maximum height allowed for the main structure.

Fifth, consistent with the proposed Purpose and Scope of the proposed regulations (proposed sec. 10-5.1701), the City considered existing and surrounding land uses of different areas of the City in determining which sign types to allow in which areas. With the goals of (1) using of signs “that are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape” (2) ensuring “that signs are compatible with their surroundings;” and (3) emphasizing the City’s “small-town historical character by promoting pedestrian-oriented and appropriately-scaled signage in all parts of town other than Broadway.” The proposed regulations prohibit (1) digital signs in most areas of the coastal zone except for commercial (CS) properties fronting Broadway, the planned shopping center (CP zone Bayshore Mall area) at the south end of the City, and industrial lands, and (2) roof signs in CW and OR areas to protect the character of these historic waterfront areas, since roof signs where permitted could extend up to 16 feet above the top of the building to which they are attached. Table 4 summarizes the various land use/zoning designations in the coastal zone and which types of signs would be allowed in each area.

Finally, the proposed regulations include additional design restrictions for signs permitted through Master and Creative Sign Permits. Both Master and Creative Sign Permits require Design Review, require the permitting of signs to be found consistent with the policies and standards of the certified LCP, and require the number, placement, design, material, and lighting of signs to be compatible with the architectural design of the subject building.

Table 4. Types of signs allowed in each land use/zone designation.

LUP Designation	Corresponding Zone District	Purpose of Designation	Types of Signs Proposed to be Allowed
General Service Commercial	Service Commercial	To provide appropriately located	<ul style="list-style-type: none"> • Wall • Window

LCP-1-EUR-20-0072-2 (Sign Regulations)

(GSC) Highway Service Commercial (HSC)	(CS)	areas for retail and wholesale commercial establishments that offer commodities and services required by residents of the city and its surrounding market area.	<ul style="list-style-type: none"> • Projecting/Suspended • Awning/Canopy • Roof • Monument • Pole • Digital (only on properties fronting Broadway)
Community Commercial (CC)	Planned Shopping Center (CP)	To provide large sites at appropriate locations for major shopping centers serving the Humboldt Bay area and North Coast region. The site of such a center shall be planned as an integral unit reflecting high standards of site design, landscaping, traffic planning, and natural resources restoration or enhancement.	<ul style="list-style-type: none"> • Pole • Wall • Monument • Projecting/Suspended • Awning/Canopy • Digital
Waterfront Commercial (WFC)	Waterfront Commercial (CW)	To protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses that relate to the presence of coastal resources.	<ul style="list-style-type: none"> • Wall • Window • Monument • Projecting/Suspended • Awning/Canopy
Neighborhood Commercial (NC)	Neighborhood Commercial (CN)	To allow the integrated development of neighborhood commercial centers providing for the economic well-being and convenience of residents of the immediate area.	<ul style="list-style-type: none"> • Wall • Window • Monument • Projecting/Suspended • Awning/Canopy
Light Industrial (LI)	Limited Industrial (ML)	To provide sites for industries that can operate in close proximity to commercial uses with minimum adverse impact.	<ul style="list-style-type: none"> • Wall • Window • Projecting/suspended • Awning/canopy • Roof • Monument • Pole • Digital

LCP-1-EUR-20-0072-2 (Sign Regulations)

General Industrial (GI)	General Industrial (MG)	To provide sites suitable for the development of general and heavy industrial uses.	<ul style="list-style-type: none"> • Wall • Window • Projecting/suspended • Awning/canopy • Roof • Monument • Pole • Digital
Coastal Dependent Industrial (CDI)	Coastal-dependent Industrial (MC)	To protect and preserve parcels on, or adjacent to, the Bay for coastal-dependent and coastal-related uses.	<ul style="list-style-type: none"> • Wall • Window • Projecting/suspended • Awning/canopy • Monument • Pole
Core-Residential Office (C-RO)	Office-Multifamily Residential (OR)	To provide opportunities for offices of a commercial character to locate outside commercial districts and to provide opportunities for compatible mixed uses such as commercial and single and multiple family dwellings.	<ul style="list-style-type: none"> • Wall • Window • Projecting/suspended • Awning/canopy • Monument
Natural Resources (NR)	Natural Resources (NR)	To protect, enhance, and restore ESHA, and to allow limited resource-dependent uses consistent with the continuance of such habitat areas.	<ul style="list-style-type: none"> • Monument
Public/Quasi-Public (PQP)	Public (P)	To protect sites appropriate for the development of public and private sector civic service facilities.	Master or Creative Sign permits approved by the Design Review Committee required for any sign
Public/Quasi-Public (Woodley Island)	Public Facilities/Marina (PF/M)	To encourage, protect, maintain, and provide public commercial marina fishing boat and related industry facilities at the Woodley Island Marina...	Master or Creative Sign permits approved by the Design Review Committee required for any sign
All residential designations	All residential zones		<ul style="list-style-type: none"> • Wall • Window (non-illuminated only)

(c) Findings for Denial as Submitted and Approval if Modified as Suggested

Although the proposed regulations include the many standards discussed above to protect visual resources, as submitted the proposed IP amendment does not conform with and is not adequate to carry out certain LUP policies related to visual resources protection. Therefore, as discussed in the below findings, the Commission suggests certain modifications to ensure that (1) signs in the Core Area retain the historic waterfront building scale, form, and general character, as required by LUP policy 1.D.1; (2) public views and visual character surrounding waterfront and coastal trail areas are protected from visual impacts associated with digital signs, as required by LUP policy 5.B.1(d); and (3) repairs to legal nonconforming signs do not allow for the continuance of nonconforming signs in areas where such signs would not protect public views or the visual character of the surrounding area.

(i) Regulations in the Core Area and conformity with LUP policies 1.D.1 & 1.I.1

As cited above, LUP policy 1.D.1 requires in part that new development in the Core Area (Exhibit 6) shall retain the historic waterfront building scale, building form, and general character “as a means of creating a ‘Victorian Seaport’ identity for the waterfront area.” LUP policy 1.I.1 requires in part that structures of historic or architectural interest are preserved. The LCP defines the Core Area as that part of the City (within the coastal zone) between approximately 3rd Street and the shoreline of Humboldt Bay and between approximately A Street and N Street (the Core Area also includes downtown lands south of 3rd Street outside of the coastal zone). Many of the buildings include historic architecture and similar scale, form, and general character. The area is largely pedestrian-oriented and consists of mixed-use development primarily planned and zoned for either “Waterfront Commercial” (CW) uses (e.g., antique shops, art galleries, restaurants, commercial recreation, and commercial fishing facilities) or “Residential Office” (OR) uses (e.g., professional offices intermixed with single-family and multi-family dwellings). The CCT traverses most of the bayward side of this area.

As summarized in Table 4 above, sign types allowed in this area (which consists primarily of CW and OR zone districts) under the proposed regulations as submitted are limited to wall, window, monument, projecting/suspended, and awning/canopy signs, which is consistent with sign types allowed in the area under the existing certified LCP. Digital, roof, and pole signs currently are disallowed and will remain so under the proposed regulations as submitted. In addition, the proposed regulations as submitted require a Master Sign Permit for tenants and uses located above the ground floor of structures in this area.

While proposed section 10-5.1707.7 appropriately specifies that new signs in the coastal zone generally shall be sited to (1) avoid and minimize obstruction of scenic views and scenic coastal areas as defined in sec. 10-5.2944.1 (Scenic Coastal Areas), and (2) protect the scenic and visual qualities of coastal areas, there is no standard specifying that signs in the Core Area must retain the historic waterfront building scale, building form, and general character and be compatible with structures of historic or

architectural interest, as required by LUP policies 1.D.1 and 1.I.1. Without this standard, the proposed IP amendment as submitted does not conform with and is not adequate to carry out the certified LUP. Therefore, to ensure conformity with these LUP policies, the Commission includes **Suggested Modification 1** to add language to sec. 10-5.1707.7(d) specifying these LUP requirements for new signs in the Core Area.

(ii) Regulations for digital signs and conformity with LUP policy 5.B.1(d)

There has been a marked increase in the number of digital signs erected in the City's coastal zone in recent years. Under the proposed regulations, a digital sign (also known as Electronic Message Center or EMC sign) is defined as a "sign that displays a visual image using liquid crystal cells or other types of light emitting diodes (LEDs) or their functional equivalent where the image can be easily changed, typically by remote control or computer programming" (proposed sec. 10-5.1711.1). Digital signs, as defined, expressly exclude fuel price signs and internally illuminated window signs.

Digital signs raise visual issues because they can be distracting and visually incompatible with the scenic nature of waterfront and other scenic coastal areas. Some jurisdictions, such as the City of Capitola, prohibit digital signs outright (except for gas stations), whereas others, such as Santa Cruz County, restrict the allowance of digital signs visible from LCP-designated scenic roads, such as Highway 1, since flashing or illuminated signage detracts from the visual aesthetic and character of the area.

Digital signs are a newer type of sign not currently defined under the City's existing sign regulations. The existing certified sign regulations allow signs that include "movement," but movement must be slow and non-varying in intensity. In permitting digital signs in the coastal zone to date, the City has imposed conditions prohibiting digital signs from changing copy or design in time periods of less than five minutes. Due to the lack of specific standards for digital signs however, digital signs currently are allowed throughout much of the coastal zone areas of the City, and any existing sign could be changed to a digital sign.

Under the proposed regulations, digital signs will be restricted to only certain portions of the CS zone district (i.e., only along those CS properties that front Broadway), the planned shopping center area (CP zone district), and to the industrial zone districts (ML and MG; not MC) (see [Exhibit 1](#), Coastal Zoning Map). Digital signs will be prohibited in other areas of the coastal zone, including in the Core Area. A digital sign will not be allowed as a stand-alone sign, but instead must be required to be incorporated into a monument, wall, or pole sign that also includes additional non-digital sign copy. The total allowable sign area for the digital component of a sign will not be allowed to exceed 66% to a maximum of 100 square feet. If a digital sign is located at the top of a sign, the sign must include a substantial cap feature above the digital display, which consists of the same or complementary material, form, and color as used on the sign face or structure. Digital signs will be allowed to contain static messages only, and signs could not display text that flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen, displayed messages must not change more than once every 15 seconds, and content transitions must be instant (e.g., no fade-out or fade-in). In terms

of brightness, digital sign luminance shall be limited to 10,000 nits during daylight hours and 500 nits at all other times. Each sign will be required to have a light sensing device to automatically adjust the brightness of the display as the natural ambient light conditions change. Finally, digital signs may not be used as an off-premises sign or for any form of off-site advertising.

Under the City’s existing certified LCP, as cited above, LUP policy 5.B.1(d) requires the protection of the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways. IP section 10-5.2944.2 requires permitted development within scenic coastal areas to minimize the alteration of natural landforms; be visually compatible with the character of the surrounding area; be sited and designed to protect views to and along the ocean and scenic coastal areas; and wherever feasible, restore and enhance visual quality in visually degraded areas. IP section 10-5.2944.3 requires that views from scenic vista points be protected “by insuring that adjacent permitted development does not obstruct views to and along the scenic coastal areas.”

As proposed, digital signs will only be allowed in certain zones in certain areas. The approximate total number of parcels which would permit new digital signs in the City’s coastal zone is shown in Table 5. However, it’s important to note that because the proposed regulations will limit digital signs to one per “site,” the exact amount of potential new digital signs is unknown.² As the term “site” is currently applied, in some cases, multiple uses on a single parcel may be considered multiple sites, thus allowing more than one digital sign on a given parcel and, concurrently, one site may occupy multiple parcels, in which case a single digital sign would be permitted for this use. The total amount of potential digital signs is further complicated by potential signs intended for multi-tenant sites. Uses at multi-tenant sites would have the opportunity to apply for signs individually or in conjunction with other uses at the site, in which case, a single sign would be shared and include advertisement intended for any or all uses located at the site. Digital signs that are integrated into multi-tenant signs could be larger than those permitted for individual uses, however, they would not be allowed to exceed the maximum area of 100 square feet. So, multi-tenant signs could allow for somewhat larger digital signs, while simultaneously decreasing the total number of digital signs at a site. Consequently, the below numbers are, in some cases, over and underestimates of the total potential digital signs in each zone district.

Table 5. Total number of parcels that could be developed with digital signs under the proposed sign regulations as submitted.

Zone District	Approx. Number of Parcels in the Coastal Zone Where Digital Signs Would Be Allowed
CP	1
CS (only on sites fronting Broadway)	71 along an approx. 3-mile-long distance

² As defined under IP Article 29 sec. 10-5.2906.12(e), “Site or lot” means “a parcel of land or a portion thereof, considered as a unit, devoted to or intended for a use or occupied by a structure or a group of structures that are united by a common interest or use. A site or lot shall have frontage on a street.”

MG	76
ML	63

There currently are approximately seven existing digital signs in the City’s coastal zone, all in the CS zone, including five along Broadway (two in the CS zone are on 4th Street where digital signs will not be allowed under the proposed regulations). Six of the existing digital signs will not conform with the proposed new sign regulations once certified in terms of size, design, integration with respective pole or monument signs, and/or message display (Table 6). After certification of the proposed sign regulations, the six existing nonconforming digital signs will be regulated as legal nonconforming signs under the IP provisions for Nonconforming Uses, Structures, and Signs (Article 22).

Table 6. Existing digital signs in the coastal zone by zone district and conformity status.

Sign Location (Business Name)	Address	Zone District	Conformity Status with Proposed Regs As Submitted
Red Lion Hotel	1929 4th Street	CS	Nonconforming
Gallagher's Irish Pub	1604 4th Street	CS	Nonconforming
RMI Outdoors	1240 Broadway	CS	Nonconforming
Walgreens	1424 Broadway	CS	Nonconforming
Eureka Natural Foods	1450 Broadway	CS	Conforming
North Coast Floor & Tile	2510 Broadway	CS	Nonconforming
Carpet Depot	4485 Broadway	CS	Nonconforming

The proposed regulations appropriately restrict digital signs to the commercial zone districts (CP and CS lands) along Broadway, which are largely developed, generally separated from and not visible from the coastal trail (CCT), and to an area where existing urban development blocks views to and along Humboldt Bay. Broadway Street is the Highway 101 arterial and commercial strip through the western end of the City. Along most of the length of Broadway beginning north of Sunset Memorial Park and extending north to 4th Street (an approximately 3-mile-long stretch), the coastal zone boundary borders the inland edge of the roadway. Lands fronting Broadway do not contain coastal scenic views or other visual qualities which warrant specific protection as delegated by the certified LUP. In addition, there already are a number of digital signs in this area, as summarized in Table 6 above. Furthermore, there are several additional signs not listed in Table 6 on the inland side of Broadway, which is outside of the coastal zone though nonetheless part of the visually cohesive Broadway corridor. Moreover, the imposed display and brightness restrictions and limited number and size of new digital signs as proposed will limit the potential for a proliferation of new digital signage that would be out of character with the area.

Unlike commercial lands fronting Broadway, the proposed allowance of digital signs on industrial (MG and ML) lands would not conform with LUP requirements to protect the

scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways. Industrial lands in the City generally are west of Broadway adjacent to natural resource (NR) areas, Humboldt Bay, and public lands, including the California Coastal Trail (CCT). Industrial parcels at the south end of the City, south of Bayshore Mall, are, for the most part, bordered by natural resource and public-zoned lands to the north, south, and west. A parking lot in this area serves as both a Park and Ride pick up location and a parking lot for visitors to the Hikshari' Trail, a segment of the CCT adjacent to Humboldt Bay and the Elk River estuary. Existing development in this area includes single-story industrial buildings and the City's wastewater treatment plant. Although industrial, the area offers extensive views of open grasslands and wetlands associated with Humboldt Bay and the Elk River. North of this area, the industrial land inland of the Elk River Access Area at the foot of Hilfiker Lane is bordered to the west by undeveloped lands intended for coastal-dependent industry. Views in this area remain largely unmarred, and trail users experience much the same natural scenic viewsheds until the trail intersects with the urban parklet at Truesdale vista point. Industrial lands at the northern end of the City include a large site known as Brainard, which is within the Eureka-Arcata Highway 101 scenic corridor adjacent to Humboldt Bay. The Commission recently approved CDP No. 1-20-0560 to construct a 4.5-mile-long segment of the CCT in this area, a portion of which will be routed around the existing outer levee of the Brainard site. Even along the most developed industrial area of the City (between Hawthorne and B streets), which is currently developed with several large warehouse-type facilities (including Costco, Schmidbauer Building Supply store, FedEx Shipping Center, Humboldt Waste Management Authority recycling and transfer stations, multiple long-term storage facilities, and various other developments ranging in size and function), surrounding lands include natural resource areas to the south, the Eureka Waterfront Trail CCT and coastal dependent lands to the west, waterfront commercial (CW) zoned areas to the north, and an undeveloped public-zoned area along Clark Slough known as the Balloon Track. Existing signs on industrial lands are limited, with the majority consisting either of non-illuminated wall signs, short pole signs, or lacking signage all together.

Because the industrial areas of the City are largely absent of signs and currently act as a transitional zone between scenic coastal areas and inland commercial uses, new digital signs of up to 100 square feet in area would be out of scale and character with the area. Further, because industrial lands run adjacent to a considerable portion of the CCT, new digital signs in industrial zones would potentially be visible to trail users and would therefore not protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways, inconsistent with LUP policy 5.B.1. Lastly, although the proposed regulations do not permit the incorporation of digital sign elements into a roof sign, the regulations as submitted would allow for a site to have a roof sign as well as a pole or monument sign that included up to 100 square feet of digital signage, which could further impact and fail to protect the scenic and visual qualities of coastal areas visible from scenic public vista points and waterfront walkways.

For these reasons the Commission finds that the amendment as proposed is inconsistent with and inadequate to carry out LUP policy 5.B.1 and must be denied. The Commission further finds that with the inclusion of **Suggested Modification 1** to retract the allowance of digital signs in areas zoned MG and ML, the proposed IP amendment would conform with and be adequate to carry out LUP policy requirements to protect the scenic and visual qualities of coastal areas that are visible from waterfront trails. With this suggested modification, the total number of sites that potentially could be developed with digital signs in the City coastal zone (Table 5) would be reduced by approximately two thirds.

Finally, the Commission finds that for sign types other than digital signs that will be allowed throughout the coastal zone (all zone districts), including wall, window, projecting/suspended, awning/canopy, roof, monument, and pole signs, standards for sign illumination as proposed will protect visual resources. Sign illumination standards that apply to all sign types are specified in proposed section 10-5.1709.8 and require (among other requirements) that sign lighting be: (1) steady, stationary, and static in color; and (2) not produce glare that creates a public nuisance or hazard for motorists or pedestrians. These standards will avoid the potential for excessive and/or misdirected sign lighting during nighttime hours to impact public views of the nighttime sky from scenic coastal areas and from waterfront walkways and also will avoid the potential for excessive lighting to create reflective glare off of the waters of Humboldt Bay that could be detrimental to public views.

Therefore, the Commission finds that the proposed IP amendment, as modified by Suggested Modification 1, conforms with and is adequate to carry out the requirements of the certified LUP, consistent with section 30513 of the Coastal Act.

(iii) Clarifying standards for allowable repair and maintenance of legal nonconforming signs with visual impacts

Under the existing certified IP, Article 22 includes standards for Nonconforming Uses, Structures, and Signs. The existing regulations allow for a nonconforming sign to be displayed and maintained but otherwise do not specify standards for repair and maintenance of nonconforming signs. Changes proposed to Article 22 under this IP amendment request include added text specifying that (1) the ongoing display of a nonconforming sign may continue if the sign was legally established in compliance with all applicable regulations in effect at the time the sign was installed, (2) it is the applicant's responsibility to demonstrate that the sign was legally established, and (3) changes to sign copy/face and repainting of legal nonconforming signs is permitted as long as there is no alteration to the physical structure or support elements of the sign. The proposed changes further specify that a legal-nonconforming sign that sustains less than 50-percent damage to its structure may be repaired to its original pre-damaged condition, provided that such repair is completed within 180 days after the date of the damage.

As discussed above and as shown in Table 6, after certification of the proposed sign regulations, there will be six existing legal nonconforming digital signs in the coastal zone regulated under the provisions of proposed updated provisions of Article 22 for

LCP-1-EUR-20-0072-2 (Sign Regulations)

Nonconforming Uses, Structures, and Signs. In addition to nonconforming digital signs, there also will be various other types of signs in the City that will be legal nonconforming – most notably off-premises signs (e.g., billboards).

Under the proposed regulations, an off-premises sign is defined as a sign advertising a land use, business, product, or service not located or available on the site where the sign is located. Under the City’s existing certified sign regulations, off-premises “advertising signs” (e.g., billboards) currently are allowed in the CP, CW, CS, ML, and MG zones. The proposed regulations would prohibit the development of new off-premises signs in all zones and limit the maintenance of existing nonconforming off-premises signs. As summarized in Table 7 below, there are approximately 13 off-premises signs (all of which are billboards) in the coastal zone that would be made nonconforming under the new regulations in addition to the six nonconforming digital signs listed in Table 6.

Table 7. List of 13 existing billboards in the coastal zone by zone district and conformity status.

Sign Location	APN	Zone District	Conformity Status with Proposed Regs As Submitted
Broadway between 3 rd and 4 th streets	003-031-012	ML	Nonconforming
Broadway between 6 th and 7 th streets	003-041-006	CS	Nonconforming
Broadway between 14 th and Cedar streets	003-141-007	CS	Nonconforming
Broadway between Vigo and Hawthorne streets	007-041-011	CS	Nonconforming
Broadway between Sunset and Pound Rd.	302-171-038	CS	Nonconforming
Broadway north of Herrick on/off ramp	302-171-034	MG	Nonconforming
4 th and Q streets	002-034-001	CS	Nonconforming
Three (3) signs near 4 th and X streets	002-251-001	CS	Nonconforming
Two (2) signs on 5 th street between U and V streets	002-111-003	CS	Nonconforming
3 rd and D streets	001-093-009	CW	Nonconforming

The proposed prohibition related to new off-premises signs is consistent with the above-cited LUP policies that place a high priority on preservation and protection of scenic resources, because it would prevent further view degradation and blockage from billboards along existing transportation rights-of-way. LUP policy 3.A.7 directs the City to “improve the appearance of existing transportation rights-of-way and incorporate high standards of aesthetic design when considering new transportation corridors, including streets, bikeways, walkways, and other related rights-of-way.”

As submitted, the IP amendment does not require removal of existing billboards, largely because of state law (Business and Professions Code section 5412)³ that prohibits removal of billboards without payment of just compensation. However, the proposed IP changes include added standards to strengthen the nonconforming use/structure/sign regulations of Article 22 by clarifying that (1) changes to sign copy/face and repainting of legal nonconforming signs are permitted as long as there is no alteration to the physical structure or support elements of the sign, and (2) legal nonconforming signs that sustain damage to less than 50 percent of the structure may be repaired only if repairs are completed within 180 days after the date of the damage.

While these proposed standards are appropriate, they do not go far enough to ensure that repair and maintenance of nonconforming digital and billboard signs over time does not translate to redevelopment of nonconforming signs inconsistent with LUP policies requiring improvement of the appearance of existing transportation rights-of-way, protection of the scenic and visual qualities of coastal areas, and protection of the historic waterfront building scale, building form, and general character in the Core Area (one of the existing nonconforming billboards is in Old Town, on 3rd and D St.). Therefore, the Commission finds that the amendment as proposed is inconsistent with and inadequate to carry out visual resources protection policies of the LUP and that **Suggested Modification 2** is needed to (a) add text to Article 17 sec. 10-5.1703.2 and 10-5.1709.5 to ensure that repair and maintenance of nonconforming signs are undertaken consistent with the limitations of Article 22, and (b) add text to Article 22 to clarify that: (i) repair and maintenance shall not include expansion or enlargement of the physical structure or sign; (ii) percent of repair calculation shall take into consideration previous repairs over time from the date of initial repair, and (iii) the replacement of 50 percent or more of a structure or sign is not repair and maintenance but instead constitutes a replacement structure or sign requiring a CDP in the coastal zone.

Therefore, the Commission finds that the proposed amendment, only as modified, is consistent with and adequate to carry out the visual resources protection policies of the certified LUP, consistent with section 30513 of the Coastal Act.

2. Protection of Public Access

The City of Eureka's coastal zone consists of approximately 8.5 miles of coastline, nearly the entirety of which is accessible via the existing CCT. The segment of the CCT that runs through the City is comprised of (south to north) segments of the Hikshari' Trail, Eureka Waterfront Trail, 1st street/Waterfront Drive, and the 4.5-mile-long segment

³ Business and Professions Code section 5412 states: "Notwithstanding any other provision of this chapter, no advertising display which was lawfully erected anywhere within this state shall be compelled to be removed, nor shall its customary maintenance or use be limited, whether or not the removal or limitation is pursuant to or because of this chapter or any other law, ordinance, or regulation of any governmental entity, without payment of compensation, as defined in the Eminent Domain Law (Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure), except as provided in Sections 5412.1, 5412.2, and 5412.3. The compensation shall be paid to the owner or owners of the advertising display and the owner or owners of the land upon which the display is located."

of the CCT to be constructed through the Eureka-Arcata Highway 101 corridor as approved via CDP No. 1-20-0560. There are multiple access points throughout the City's coastal zone that are used by recreators to access these trails, including dedicated parking areas, such as the aforementioned off-loading location at the foot of Herrick Avenue along the Elk River Highway 101 Interchange ([Exhibit 7](#)), as well as informal locations used for convenience. For instance, visitors to the City's popular Old Town area may choose to access the CCT in conjunction with visiting local shops, restaurants, and various other activities available in the area. Therefore, signs that dictate appropriate parking areas and parking timing anywhere in the City's coastal zone can impact public access to the coast.

(a) Applicable LUP Policies

Public access protection policies applicable to the City's coastal zone include (emphasis added):

5.B.1 The City shall provide public open space and shoreline access through the Coastal Zone, particularly along the waterfront and First Street, through all of the following:

...

b. Establish a walkway system located on or near the shoreline throughout the city's waterfront Core Area.

c. Establish scenic vista points at numerous locations along the waterfront, including construction of a public access vista point at the foot of Truesdale Street.

d. Consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways.

e. The City, in cooperation with the Coastal Commission and Coastal Conservancy, shall provide for attractive directional signs that are meaningful on the North Coast so as to assist area residents and visitors alike in identifying visitor-serving, recreational, and historical facilities in the city.

...

5.B.7 The City shall establish a coordinated continuous public access system throughout its Coastal Zone, consisting of pedestrian walkways, nature walks, and bikeways with necessary support facilities, as described in Table 5-2 and shown in Figure 5-1.

...

5.B.10 To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.

In addition, IP Article 29 sec. 10-5.2941.5 directs (emphasis added):

As indicated in the policies of Chapter 3 of the LCP Land Use Plan and the LCP access maps in Chapter 15 of the Land Use Plan, public access support facilities shall be distributed throughout the Eureka coastal zone. Off-street parking shall be provided in the waterfront area; however, it shall not be located immediately adjacent to the shoreline, unless there is no feasible alternative.

(b) Standards Proposed As Submitted to Protect Public Access

The proposed regulations as submitted contain no specific language referencing public access or the protection of existing public access. However, the regulations do require that (1) all new signs in the coastal zone obtain any necessary coastal development permit, and (2) all new signs must be found consistent with existing IP Article 29 (Coastal Development Permit Procedures), which requires that development conforms with the certified LCP and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act.

(c) Findings for Denial as Submitted and Approval if Modified as Suggested

As submitted, the proposed IP amendment does not conform with and is inadequate to carry out LUP policies 5.B.7 and 5.B.10 as outlined above or the public access policies of the Coastal Act. The submitted regulations are inadequate because the regulations do not acknowledge the possibility that signage may impact coastal public access and include appropriate language which prohibits interference with public access as required per the certified LCP and chapter 3 of the Coastal Act. Additionally, because signs have been used in other parts of the California coast to detour visitors and unlawfully obstruct public access to the shoreline, it is necessary and important to modify the proposed ordinances to clarify the coastal development permit requirements for signs that may affect public access to the coast and to also prohibit the installation of signs that interfere with public access to the coast in the City of Eureka. The Commission therefore provides **Suggested Modification 3** to ensure that signs do not interfere with public access consistent with LUP requirements. Specifically, suggested modifications will prohibit the placement of signs that interfere with public access inconsistent with the public access policies of the Coastal Act or the City's certified LCP and specify that a CDP is required for any sign that could impact public recreational access, including parking opportunities near bay access points or parklands, such as any changes in parking cost, timing or availability, and any signage prohibiting public parking, trespassing, and/or public coastal access.

Therefore, the Commission finds that the proposed amendment, only as modified, is consistent with and adequate to carry out the public access protection policies of the certified LUP, consistent with section 30513 of the Coastal Act.

3. Protection of Natural Resources

Eureka, located on the eastern shore of Humboldt Bay, has abundant lands and waters planned and zoned for natural resources uses. Natural resource areas are generally located (1) in the western portion of the City, including the Elk River Access Area and Palco Marsh area, (2) in the northern part of the City across the Highway 255 bridge at Daby, Woodley, and Tuluwat Islands, and (3) in the northeastern region of the City along gulches and marshes associated with Eureka Slough, Fay Slough, and Humboldt Bay.

If not restricted, illumination from lighting associated with signage could adversely affect nocturnal wildlife using adjacent wetland and ESHA habitats. Many wildlife species are known to avoid areas with excessive lighting, and some species simply stop reproducing if habitat destruction from overly bright lights becomes too severe. As previously discussed, sign lighting will be visible from public vantage points, including from the CCT that lines most of the City's waterfront area. In addition to the potential for excessive and/or misdirected sign lighting during nighttime hours to impact public views of the nighttime sky from scenic coastal areas and waterfront walkways (as discussed above), such lighting also can create reflective glare off the waters of Humboldt Bay detrimental to marine species that inhabit coastal waters.

(a) Applicable LUP Policies

The LUP includes a number of policies to protect wetlands, ESHA, and marine resources in and around the City as follows (emphasis added):

6.A.1 The City shall maintain, enhance, and, where feasible, restore valuable aquatic resources, with special protection given to areas and species of special biological or economic significance. ...

6.A.3 The City shall maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the protection of human health through, among other means, minimizing adverse effects of wastewater and stormwater discharges and entrainment, controlling the quantity and quality of runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

6.A.6 The City declares the following to be environmentally sensitive habitat areas within the Coastal Zone:

- a. Rivers, creeks, sloughs, gulches and associated riparian habitats, including but not limited to Eureka Slough, Fay Slough, Cut-Off Slough, Freshwater Slough, Cooper Slough, Second Slough, Third Slough, Martin Slough, Ryan Slough, Swain Slough, and Elk River.*

- b. *Wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction, riparian areas, and vegetated dunes.*
- c. *Indian Island, Daby Island, and the Woodley Island wildlife area.*
- d. *Other unique habitat areas, such as waterbird rookeries, and habitat for all rare or endangered species on state or federal lists.*
- e. *Grazed or farmed wetlands (i.e., diked former tidelands).*

6.A.7 Within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, and that only uses dependent on such resources shall be allowed within such areas. The City shall require that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.

6.A.8 Within the Coastal Zone, prior to approval of a development, the City shall require that all development on lots or parcels designated NR (Natural Resources) on the Land Use Diagram or within 250 feet of such designation, or development potentially affecting an environmentally sensitive habitat area, shall be found to be in conformity with the applicable habitat protection policies of the General Plan. All development plans, drainage plans, and grading plans submitted as part of an application shall show the precise location of the habitat(s) potentially affected by the proposed project and the manner in which they will be protected, enhanced or restored.

6.A.9 *The City shall permit the diking, filling, or dredging of open coastal waters, wetlands, or estuaries only under the following conditions:*

- a. *The diking, filling or dredging is for a permitted use in that resource area;*
- b. *There is no feasible, less environmentally damaging alternative;*
- c. *Feasible mitigation measures have been provided to minimize adverse environmental effects;*
- d. *The functional capacity of the resource area is maintained or enhanced.*

6.A.19 The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The Buffer shall be measured horizontally from the

edge of the environmental sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.

6.A.20 To protect urban wetlands against physical intrusion, the City shall require that wetland buffer areas incorporate attractively designed and strategically located barriers and informational signs.

6.A.21 The City shall require that all land use activities adjacent to gulch greenways be carried out in a manner that avoids vegetative removal below the break in slope (usually those areas with a slope of 20 percent or greater) and that does not alter natural land forms and drainage patterns.

6.A.22 The City shall maintain Indian Island as a site for habitat, scientific research and education. Existing uses may be maintained but shall not be expanded, except that reburial of Native American remains shall be permitted as part of the mitigation for coastal-dependent industrial development elsewhere in the Planning area.

(b) Standards Proposed to Protect Natural Resources

As cited above, the LCP declares several types of habitats to be ESHA in the City, including, but not limited to, rivers, creeks, sloughs, gulches, wetlands, estuaries, riparian areas, vegetated dunes, islands and wildlife areas, waterbird rookeries, rare species habitats, and grazed or farmed wetlands. In some parts of the City, lands planned and zoned for NR uses are immediately adjacent to industrial and commercial (CS and CP) lands, which will allow for a variety of types of signage. Thus, the proposed regulations as submitted include standards to protect ESHA and wetlands from potential impacts associated with signs.

For sign types other than digital signs that will be allowed throughout the coastal zone (all zone districts), including wall, window, projecting/suspended, awning/canopy, roof, monument, and pole signs, standards for sign illumination are not specified in nits or other measurement of light intensity, but rather are described as general standards. As previously discussed, proposed section 10-5.1709.8 includes general lighting restrictions that apply to all sign types and requires that (among other requirements) for externally illuminated signs, the light source must be positioned so that light does not shine directly on any ESHA or wetlands. Also as previously discussed, for digital signs, brightness is limited to 10,000 nits during daylight hours and 500 nits at all other times, with a requirement that each sign have a light sensing device to automatically adjust the brightness of the display as the natural ambient light conditions change. With the inclusion of Suggested Modification 1 (discussed above), digital signage that is out of character with areas visible from scenic public vista points and waterfront walkways (e.g., industrial lands, which generally are visible from the CCT) would be avoided, because the suggested modification would prohibit digital signs in the industrial areas, many of which are located on or near the bay and near many of the NR-designated/

zoned lands. This will reduce the potential for nighttime sign illumination impacts to the natural resources of NR lands from digital sign brightness as well as the potential effects on the marine life and natural resources of Humboldt Bay, consistent with LUP policies 6.A.1., and 6.A.7, and 6.A.19.

(c) Findings for Denial as Submitted and Approval if Modified as Suggested

While the proposed lighting standards generally conform with and are adequate to carry out the LUP policies related to protection of ESHA and wetlands, the proposed IP amendment as submitted includes significant internal inconsistencies related to the protection and enhancement of natural resources that are inconsistent with LUP policies and goals for protection of natural resources (LUP section 6).

First, Article 17 Table 17-8 specifies standards for monument signs and allows such signs to be erected in several zone districts, including the NR zone district. Monument signs in the NR zone district may be up to 8 feet high and internally or externally illuminated, according to the illumination standards described above included in proposed section 10-5.1709.8. However, the existing certified IP (Article 29 sec. 10-5.2961) prohibits the allowance of all types of signage in the NR zone district. As specified in that section, “No sign, advertising sign or structure, or billboard shall be permitted” in the NR zone district, the purpose of which is “to protect, enhance, and restore environmentally sensitive habitat areas, and to allow resource dependent uses consistent with the continuance of such habitat areas.” Although 8-foot-tall monument signs, even with illumination, could conceivably be developed in a manner that would provide for the continuance of the resources of the NR lands – especially if erected with conditions requiring that the light source for signs be positioned so that light does not shine directly on any ESHA or wetlands – to permit such signs under the sign regulations as proposed would directly conflict with IP Article 29 sec. 10-5.2961. Thus, this component of the proposed ordinance must be denied as submitted, although it may be approved if modified as suggested below.

Second, while the proposed Article 17 regulations specify standards for signs in most coastal zone districts, there are no proposed standards for lands within the Coastal Agricultural District (AC zone district). As described in existing certified IP Article 29 section 10-5.2970, the purpose(s) of the AC zone district are (emphasis added) (a) to protect agricultural lands, including farmed or grazed wetlands, for long-term productive agricultural and wildlife habitat uses; and (b) to ensure adequate separation between dwellings and facilities for housing animals. As cited in LUP policy 6.A.6, grazed or farmed wetlands are designated as a type of ESHA in the City. The AC lands in the City are centered at the south end of the City, on both sides of Highway 101 and at the northeastern end of the City on the inland side of the Eureka-Arcata Highway 101 corridor. Although IP Article 29 sec. 10-5.2976 specifies for AC lands that signs shall be permitted as prescribed in Article 17 (Signs), as mentioned above, there are no standards specified in proposed Article 17 (Signs) for signs on AC lands. Therefore, this component of the proposed ordinance must be denied as submitted, although it may be approved if modified as suggested below.

Therefore, based on coordination with the City to remedy the internal IP inconsistencies discussed above, **Suggested Modification 4** would (1) retract the allowance of monument signs in Natural Resources (NR) zone district (Table 17-8), (2) modify the standards for Master sign permits (sections 10-5.1707.3 and 10-5.1708.4) to require a Master permit for signs in the Natural Resources (NR) and Coastal Agriculture (AC) zone districts in the same manner that a master sign permit is required for signs in the Public (P) and Public Facilities/Marina (PF/M) zone districts, and (3) for consistency with existing IP Article 29 Part 6 sec. 10-5.2961(b) (Natural Resources District), remove and replace the text that states “No sign, advertising sign or structure, or billboard shall be permitted” with text that states “No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs)].

Finally, **Suggested Modification 5** modifies various sections of Article 17 (Signs) as shown in [Appendix A](#) for internal IP consistency, to add cross-references to related IP sections, and to make minor, non-substantive corrections and clarifications.

Therefore, the Commission finds that the proposed amendment, only as modified, is consistent with and adequate to carry out the natural resources protection policies of the certified LUP, consistent with section 30513 of the Coastal Act.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of an LCP. The Commission's LCP review and approval program has been found by the Natural Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP and LCP amendment.

Nevertheless, the Commission is required, in approving an LCP amendment, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§13542(a), 13540(f), and 13555(b)].

The Commission incorporates its findings on LUP conformity into this CEQA finding as if set forth in full herein. As discussed throughout the staff report and hereby incorporated by reference, the IP amendment as originally submitted does not conform with and is not adequate to carry out the policies of the certified LUP. The Commission, therefore, has suggested modifications to bring the IP amendment into full conformance with the LUP.

As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Further, future individual projects on the subject parcels would require coastal development permits. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].