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Prepared January 20, 2023 for the February 10, 2023 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-22-0054-2 (Digital Sign Prohibition)

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **approve** proposed City of Eureka LCP Amendment No. LCP-1-EUR-22-0054-2 as submitted. No modifications are necessary because the proposed amendment to the Implementation Plan (IP), as submitted, conforms with and is adequate to carry out the provisions of the certified Land Use Plan (LUP).

In July of 2022, the Commission certified with suggested modifications a significant update to the City's sign regulations (LCP Amendment Application No. LCP-1-EUR-20-0072-2), which allowed for digital signs in areas zoned Service Commercial (CS) and Planned Shopping Center (CP) along Broadway Street (Highway 101). Digital signs are 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; also known as Electronic Message Center (EMC) signs; excludes fuel price signs and internally illuminated window signs.*" Among other suggested modifications, the Commission's approval included suggested modifications to prohibit digital signs in industrial zones to protect public views from scenic public vista points and waterfront walkways, including the California Coastal Trail (CCT), as required by the LUP. The City accepted the Commission's suggested modifications, and the LCP amendment was effectively certified on October 13, 2022.

After the Commission's action in July, the City adopted further modifications to its sign regulations to prohibit the allowance of digital signs throughout the coastal zone. Thus,

at this time, the proposed amendment includes further updates to Articles 17 (Signs) and 22 (Nonconforming Uses, Structures, and Signs) to (1) prohibit new digital signs in all zone districts and (2) ensure that existing nonconforming digital signs adhere to the specific standards for brightness, message display, and design outlined in Article 17, as amended.

The major Coastal Act and LUP issue raised by the proposed amendment relates to protection of visual resources. However, because the prohibition of new digital signs in the City's coastal zone would maintain the aesthetic values of the area, the proposed amendment is consistent with and adequately implements the policies of the certified LUP. Therefore, staff recommends that the proposed IP amendment is certified as submitted.

The motion to adopt this recommendation is found on Page 4 of this staff report.

Staff Note: LCP Amendment Action Deadline. This proposed LCP amendment was filed as complete on November 29, 2022. The proposed amendment affects the LCP's IP, and the 60-working-day action deadline is February 27, 2023. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until February 27, 2023 to take a final action on this LCP amendment. Therefore, if the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: I move that the Commission extend the time limit to act on City of Eureka LCP Amendment No. LCP-1-EUR-22-0054-2 (Digital Sign Prohibition) to February 27, 2024, and I recommend a yes vote.

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. If you wish to provide written comments, please do so via regular mail (directed to the North Coast District Office) or email (by emailing NorthCoast@coastal.ca.gov). Commission staff will distribute to the Commissioners any copies of written materials received from interested parties by 5:00 pm on the Friday before the scheduled Commission meeting.

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I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, approve the IP amendment as submitted.

To approve the IP amendment as submitted, staff recommends a **NO** vote on the foregoing motion. Failure of this motion will result in certification of the Implementation Plan Amendment No. LCP-1-EUR-22-0054-2 as submitted 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:

I move that the Commission reject Implementation Plan Amendment No. LCP-1-EUR-22-0054-2 as submitted by the City of Eureka.

Resolution to certify the implementation plan amendment as submitted:

The Commission hereby certifies the City of Eureka Implementation Plan Amendment LCP-1-EUR-22-0054-2 as submitted and adopts the findings set forth below on grounds that the Implementation Plan amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. PROCEDURAL ISSUES

A. Standard of Review

The standard of review for the proposed amendment to the Implementation Plan (Zoning Ordinance) of the City of Eureka certified Local Coastal Program (LCP), pursuant to section 30513 and 30514 (regarding LCP amendments) of the Coastal Act, is whether the Implementation Plan as amended would be in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan.

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 September 12, 2022. The Eureka City Council held public hearings on the amendment on October 18, 2022 and

November 1, 2022. 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

Pursuant to section 13544(b)(2) of Title 14 of the California Code of Regulations, if the Commission certifies the LCP amendment as submitted, no further City action will be necessary for the LCP amendment to take effect. Should the Commission certify the LCP amendment subject to modifications, final approval by the City and a determination by the Executive Director that the City's action is legally adequate to carry out the requirements of the Commission's certification 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.

III. FINDINGS FOR APPROVAL OF THE IP AMENDMENT AS SUBMITTED

The following findings support the Commission's approval of the proposed Implementation Plan Amendment as submitted. The Commission hereby finds and declares as follows:

A. Amendment Description and Background

LCP Amendment Application No. LCP-1-EUR-22-0054-2 would amend the City of Eureka's certified Implementation Plan (IP) to update the regulations for Signs. On July 13, 2022 the Commission certified with suggested modifications a significant update to the City's sign regulations (LCP Amendment Application No. LCP-1-EUR-20-0072-2),¹ which at that time hadn't been updated since the 1960s and which included (but was 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. Among other suggested modifications, the Commission's approval included suggested modifications to prohibit digital signs in industrial zones to protect public views from scenic public vista points and waterfront walkways, including the California Coastal Trail (CCT), as required by

¹ A link to the adopted staff report is available from the Commission's website: <https://documents.coastal.ca.gov/reports/2022/7/W11a/w11a-7-2022-report.pdf>.

the LUP. The City accepted the Commission's suggested modifications, and the LCP amendment was effectively certified on October 13, 2022.²

After the Commission's action in July, the City adopted further modifications to its sign regulations to prohibit the allowance of digital signs in the coastal zone. Thus, at this time the proposed amendment includes further updates to Articles 17 (Signs) and 22 (Nonconforming Uses, Structures, and Signs) to (1) prohibit new digital signs in all zone districts and (2) ensure that existing nonconforming digital signs adhere to the specific standards for brightness, message display, and design outlined in Article 17, as amended.

B. Consistency Analysis

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. In the City's coastal zone, new digital signs, as currently allowed, are visible from Highway 101/Broadway Street, which is the main arterial through the western side of the City.

Applicable LUP Policies

The City's LUP includes policies and goals related to visual resources and visual compatibility, 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.*

² See the Executive Director's determination that the action by the City of Eureka to accept the Commission's suggested modifications was legally adequate, available from the Commission's website: <https://documents.coastal.ca.gov/reports/2022/10/Th7/Th7-10-2022.pdf#page=32>.

...

In addition, 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.”

Protection of Visual Resources

Digital signs are currently permitted in areas zoned Service Commercial (CS) and Planned Shopping Center (CP), which line the west side of Highway 101/Broadway Street (properties along the east side of Broadway are, for the most part, outside of the coastal zone). The proposed regulations as submitted would prohibit development of new digital signs in the CS and CP zone districts, thereby effectively banning new digital signs throughout the City’s entire coastal zone. In addition, existing legal nonconforming digital signs will be required to conform with applicable City standards concerning brightness, message, and display. These include, but are not limited to, requirements that (a) digital signs may contain static messages only; (b) digital signs may not change message more than once every 15 seconds; (c) the content of a digital sign must transition by changing instantly (e.g., no fade-out); and (d) brightness must adhere to International Dark-Sky Association (IDA) standards.

The proposed IP amendment as submitted conforms with and is adequate to carry out the LUP policies requiring the protection of the scenic and visual qualities of coastal areas. The number of digital signs in the City’s coastal zone will remain fixed at approximately seven and will not increase over time, as currently may occur under the existing certified LCP, where up to approximately 70 parcels in the CS and CP zone districts along a 3-mile-long distance along the western side of Broadway may be permitted to develop new digital signs. Although these parcels that front Broadway in the coastal zone are largely developed and the existing urban development largely blocks views from Broadway to and along Humboldt Bay, some existing signage developed in this area is currently visible from the coastal trail (CCT) and other waterfront walkways, and future new signage developed in some areas may also be visible from the CCT. As digital signage in general can be distracting and visually incompatible with scenic coastal areas, the proposed IP amendment as submitted will ensure that no new digital signs will be developed that could detract from the scenic nature of the waterfront as viewed from scenic public vista points and waterfront walkways (e.g., the Del Norte Street pier). The proposed IP amendment as submitted also will ensure that existing legal nonconforming digital signs are brought into compliance with the recently certified sign provisions for brightness and message display summarized above.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the 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 or LCP amendment.

Nevertheless, the Commission is required in approving an LCP amendment to find that 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 City's LCP amendment consists of an IP amendment. The Commission incorporates its findings on Coastal Act and 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 conforms with and is adequate to carry out the policies of the certified LUP. The Commission finds that approval of the IP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact, either individual or cumulatively, which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

APPENDIX A – Substantive File Documents

LCP Amendment Application No. LCP-1-EUR-0054-2 and associated file documents

City of Eureka Certified Local Coastal Program