

STAFF REPORT*CITY OF OCEANSIDE*

DATE: May 28, 2014

TO: Honorable Mayor and Councilmembers
Chairman and Members of the Community Development Commission

FROM: Development Services Department

SUBJECT: **INTRODUCTION OF AN ORDINANCE AMENDING THE ZONING ORDINANCE PERTAINING TO SIGNAGE AND ADOPTION OF A RESOLUTION APPROVING LOCAL COASTAL PROGRAM AMENDMENTS PERTAINING TO SIGNAGE – APPLICANT: CITY OF OCEANSIDE**

SYNOPSIS

Staff recommends that the City Council and Community Development Commission introduce an ordinance amending Articles 33A and 33B of the Zoning Ordinance (ZA11-00004 and ZA12-00006), Article 33C of the Downtown Zoning Ordinance (RZA12-00001 Revision) pertaining to signage; and adopt a resolution approving the Local Coastal Program Amendments (LCPA11-00002, LCPA 12-00005, and RLCPA12-00002 Revision) incorporating modifications suggested by the California Coastal Commission regulating the use, placement and design of signs on land both outside and inside of the Downtown Area.

BACKGROUND

On April 18, 2012, the City Council introduced an ordinance repealing Article 33 of the 1986 Zoning Ordinance and establishing Article 33A and 33B as the new sign ordinance applicable Citywide except for the Downtown Area (ZA11-00004). Because the sign ordinance affected the City's Coastal Zone, the City Council also adopted a resolution approving a Local Coastal Program Amendment (LCPA11-00002) establishing Articles 33A and 33B as sign regulations within the Coastal Zone area exclusive of the Downtown Area.

On October 3, 2012, the City Council introduced modifications to the sign ordinance to allow commercial mascot advertising displays and feather banners subject to certain restrictions (ZA12-00006). The City Council also adopted a resolution approving Local Coastal Program Amendment (LCPA12-00005) incorporating the zoning text modifications relative to commercial mascots and feather banners within the Coastal Zone exclusive of the Downtown Area.

On October 3, 2012, the City Council and Community Development Commission introduced an ordinance repealing Article 33 of the 1992 Zoning Ordinance (RZA 200-

09) and establishing Article 33C as the new sign ordinance applicable for the Downtown Area. The City Council also adopted a resolution approving a LCP Amendment (RLCPA12-00001) establishing Article 33C as the sign regulations for the Coastal Zone within the Downtown Area.

On November 14, 2013, the Coastal Commission conditionally certified the three LCP amendments described above. The conditional certification included suggested modifications to the texts of Articles 33A, 33B and 33C. The Commission's suggested modifications are included as Exhibit A and Exhibit B. Per Coastal Commission regulations, the Coastal Commission must receive confirmation that the City has acknowledged the Commission's modifications and that the City has taken formal action incorporating these modifications into the City's ordinances before the LCP amendment is effectively certified. Upon the Commission's concurrence, the revised LCP text will be incorporated into the City's certified LCP.

ANALYSIS

The Coastal Commission's suggested modifications to the City Zoning Ordinance (Articles 33A and 33B) are included as Exhibit A and the suggested modifications to the Downtown Zoning Ordinance (Article 33C) are included as Exhibit B. The Coastal Commission's suggested modifications to all of the zoning ordinances are indicated by underlined and strikeout text. Staff agrees with these suggested modifications because they do not materially change the substance or the intent of the ordinances as approved by the City Council and Community Development Commission. These suggested modifications would make the following changes to the sign ordinances:

1. Prohibit new billboards from being relocated into the Coastal Zone.
2. Require coastal permits within the City's Coastal Zone for any signs that are not otherwise exempt from a coastal permit.
3. Prohibit new digital display/electronic message signs in the Downtown Area Coastal Zone.

ENVIRONMENTAL DETERMINATION

Notices of Exemption were approved by the City Council and Community Development Commission on March 28, 2011 for Articles 33A and 33B and on November 7, 2012 for Article 33C. These Exemptions were based on the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment and therefore are not subject to CEQA" Section 15061(b)(3). The Notices of Exemption are still applicable to the revised LCP amendments because the Coastal Commission's suggested modifications are only related to administrative procedures and do not result in any environmental effects.

CITY ATTORNEY'S ANALYSIS

The procedure for an LCP amendment after the Coastal Commission has considered the City's approved LCP amendment and subsequently made suggested modifications is for the City Council and Community Development Commission to conduct a noticed

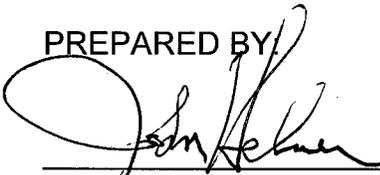
public hearing at which the City Council and Community Development Commission shall affirm, modify, or reject the Coastal Commission's suggested modifications.

If the City Council chooses to accept the Coastal Commission's suggested modifications, it would introduce an ordinance amending Zoning Ordinance Articles 33A and 33B of the 1992 Zoning Ordinance and Article 33C of the Downtown Zoning Ordinance. The Community Development Commission would then adopt by resolution those modifications as part of a revised LCP amendment. After the City Council and Community Development Commission takes action on the Commission's suggested modifications, newly revised LCP text will be sent back to the Coastal Commission and upon their concurrence will be incorporated into the City's certified LCP, the 1992 Zoning Ordinance and the Downtown Zoning Ordinance. If the City Council and Community Development Commission chooses to reject or modify the Commission's suggested modifications, such action shall be referred to the Coastal Commission for review prior to adoption of the proposed LCP Amendment.

RECOMMENDATION

Staff recommends that the City Council and Community Development Commission introduce an ordinance amending Articles 33A and 33B of the City Zoning Ordinance (ZA11-00004 and ZA12-00006), Article 33C of the Downtown Zoning Ordinance (RZA12-00001 Revision) pertaining to signage; and adopt a resolution approving the Local Coastal Program Amendments (LCPA11-00002, LCPA 12-00005, and RLCPA12-00002 Revision) incorporating modifications suggested by the California Coastal Commission regulating the use, placement and design of signs on land both outside and inside of the Downtown Area.

PREPARED BY:



John Helmer
Contract Planner

SUBMITTED BY:



Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Marisa Lundstedt, City Planner



EXHIBITS:

- Exhibit "A" – Coastal Commission Suggested Modifications for Articles 33A and 33B
- Exhibit "B" – Coastal Commission Suggested Modifications for Article 33C
- Exhibit "C" – Ordinance
- Exhibit "D" – Resolution

**CITY OF OCEANSIDE LCP AMENDMENT #2-12B
CITYWIDE AND CITY-OWNED PARCELS SIGN ORDINANCES
SUGGESTED MODIFICATIONS ADOPTED BY COASTAL COMMISSION
(ON NOVEMBER 14, 2013)**

I. Modifications to Article 33A.

1. For Section 3302(k) – Billboard Policy - please adopt the following modification:

New billboards, as defined herein, are prohibited. It is the fundamental land use policy of the City to completely prohibit the construction, erection, or use of any and all billboards, other than those which legally exist in the City, for which a valid permit has been issued and has not expired, as of the date which this chapter, or when a prior version of this chapter containing a provision to the same effect, was adopted. In adopting this chapter, the City Council affirmatively declares that it would have adopted this policy even if it were the only provision in this chapter. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid, or unenforceable. This prohibition does not apply to agreements to relocate presently existing legal billboards as encouraged by State law including, but not limited to, Business and Professionals Code Section 5412, as that section may be amended from time to time. However, in no case shall billboards be relocated in the Coastal Zone.

2. For Section 3307 – Comprehensive Sign Package, Subsection A.2. – please adopt the following modification:

A. Types of Sign Permits

[...]

2. Comprehensive Sign Package

Buildings or building complexes containing three or more uses or separately leasable spaces, shall be required to submit a Comprehensive Sign Package prior to issuance of the first sign permit for the building complex. Such sign package shall be in conformance with the provisions of this Article, and shall be designed and constructed to meet all applicable codes. The sign package shall contain provisions that establish color, size, location, types of signs, lighting and other requirements in order for safety and aesthetics to be considered.

Notwithstanding any of the foregoing requirements applicable to buildings or complexes containing three or more uses or separately leasable spaces, uses on a commercial zoned district located on a site greater than 3 acres may submit for

EXHIBIT "A"
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consideration by the Planning Commission a Comprehensive Sign Package in order to:

- a) Facilitate high quality innovative design through technologically advanced sign solutions and
 - b) Eliminate blight and improve aesthetics through a net reduction of legally permitted onsite signage. Digital display signs may be considered as part of such Comprehensive Sign Package only outside the Coastal Zone and are subject to the following:
 - Minimum site area: 3 acres comprised of either a single parcel or the aggregate of multiple contiguous parcels, under single or multiple ownership
 - Site location: Within 150 ft. (max) from I-5, SR76 or SR78.
 - Sign Standards: Development standards shall be set forth in Article 33A, or as modified by the Planning Commission at the time of Comprehensive Sign Package program approval. Any deviations to applicable sign regulations must enhance the character of the development by addressing sign location, number, area, height, illumination, and sign separation from less intense uses...
3. For Section 3307 – Procedures of Sign Approval – please adopt the following modification:

All sign permit applications shall be consistent with the provisions of this Article and/or with an approved Comprehensive Sign Package. In the Coastal Zone, unless otherwise exempt, all proposed signage must include the issuance of a coastal development permit and must be consistent with all applicable policies/requirements of the certified Local Coastal Program. A sign installation permit can be issued upon the completion of the steps in Section B below.

II. Modifications to Article 33B

4. For Section 3318 – Permanent Private Party Signs on City Property – please adopt the following modification:

Notwithstanding the prohibited sign types listed in the sign ordinance, outside the coastal zone, the City Council may approve proposals for private parties to place permanent signs on city property or city right of way, upon finding that the proposed sign is in the best interest of the City through the promotion of City sponsored events and the dissemination of public safety and traffic messages. The City may impose conditions on the approval through the terms of the lease, contract, or license. Before approving a private party sign under this section, the City shall conduct a request for proposals open to interested parties. No more than four private party signs may be placed on City property pursuant to this section. The City shall comply with the California Environmental Quality Act before approval of any lease, contract or license.

EXHIBIT "A"
PAGE 3 OF 3

5. For Section 3319 – Signs within the Small Craft Harbor – please adopt the following modification:

5. Permitting

Other than courtesy signs which use no electricity or special lighting, and temporary signs exempt from permitting, all private party signs in the Harbor District may be installed or displayed pursuant to a sign permit. Any application for such a permit will be granted when the proposed sign(s) complies with all applicable laws, rules, and policies. In the Coastal Zone, unless otherwise exempt, all proposed signage must include the issuance of a coastal development permit and must be consistent with all applicable policies/requirements of the certified Local Coastal Program.

EXHIBIT "B"

**CITY OF OCEANSIE LCP AMENDMENT #2-12A
DOWNTOWN DISTRICT SIGN ORDINANCE
SUGGESTED MODIFICATIONS ADOPTED BY COASTAL COMMISSION
(ON NOVEMBER 14, 2013)**

Modifications to Article 33C

1. For Section 3302(k)-Billboard Policy – please adopt the following modification:

K. Billboard Policy

New billboards, as defined herein, are prohibited. It is the fundamental land use policy of the City to completely prohibit the construction, erection or use of any and all billboards, other than those which legally exist in the City, for which a valid permit has been issued and has not expired, as of the date on which this chapter, or when a prior version of this chapter containing a provision to the same effect, was adopted. In adopting this chapter, the City Council affirmatively declares that it would have adopted this policy even if it were the only provision in this chapter. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This prohibition does not apply to agreements to relocate presently existing legal billboards as encouraged by State law including, but not limited to, Business and Professions Code Section 5412, as that section may be amended from time to time. However, in no case shall existing billboards be relocated in the Coastal Zone.

2. For Section 3305-Prohibited Signs – please adopt the following modification:

3305 Prohibited Signs

[...]

- P. Digital display/electronic message signs, ~~exception therefrom signs permitted pursuant to Section 3307, Comprehensive Sign Package.~~

3. For Section 3307 – Procedures of Sign Approval-please adopt the following modification:

3307 Procedures of Sign Approval

All sign permit applications shall be consistent with the provisions of this Article and/or with an approved Comprehensive Sign Package. In the Coastal Zone, unless otherwise exempt, all proposed signage must include the issuance of a coastal development permit and must be consistent with all applicable policies/requirements of the certified Local Coastal Program.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING ARTICLES 33A, 33B AND 33C OF THE CITY ZONING ORDINANCE (ZA11-00004, ZA12-00006 AND RZA12-00001 REVISION) INCORPORATING SUGGESTED MODIFICATIONS AS PROPOSED BY THE CALIFORNIA COASTAL COMMISSION

**(City of Oceanside –Applicant)
(ZA11-00004, ZA12-00006 and RZA12-00001 REVISION)**

WHEREAS, the broad purpose of the Oceanside Zoning Ordinance is to protect and promote the public health, safety and general welfare and to implement the policies of the City of Oceanside General Plan, and specifically to provide a precise guide for the physical development of the City;

WHEREAS, the City of Oceanside Downtown Project Area was created to eliminate and prevent the spread of blight and deterioration in the Project Area and due to the specific needs of the Downtown Project Area, the Community Development Commission has created development standards applicable to this area only;

WHEREAS, the proposed amended Zoning Ordinance Articles 33A, 33B and 33C will provide more comprehensive regulations of signs within the City as more particularly described in Exhibit "A" and the Downtown Project Area as more particularly described in Exhibit "B", attached hereto and incorporated herein by reference;

WHEREAS, on April 18, 2012, the Oceanside City Council, after giving the required public notice, conducted a public hearing as prescribed by law repealed Article 33 of the Zoning Ordinance and approved Articles 33A and 33B as the new sign ordinances (ZA11-00004); and

WHEREAS, on October 3, 2012, the Oceanside City Council, after giving the required public notice, conducted a public hearing as prescribed by law to amend Articles 33A and 33B (ZA12-00006); and

WHEREAS, on October 3, 2012, the Oceanside City Council, after giving the required public notice, conducted a public hearing as prescribed by law to amend Article 33C of the Zoning Ordinance (RZA12-00001)

1 of Oceanside. This Ordinance shall take effect and be in force on the thirtieth (30) day from and after
2 its final passage.

3 INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California,
4 held on the ___ day of _____ 2014, and, thereafter,

5 PASSED AND ADOPTED by the Oceanside City Council on this ___ day of
6 _____, 2014, by the following vote:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11 _____
12 Mayor of the City of Oceanside

13 ATTEST:

14 APPROVED AS TO FORM:

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16 City Clerk

17 _____
18 City Attorney
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John R. Mull
City Attorney

RESOLUTION NO. 14-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING THE LOCAL COASTAL PROGRAM AMENDMENTS (LCPA11-00002, LCPA12-00005, AND RLCPA12-00002 REVISION) RELATED TO THE SIGN ORDINANCE INCORPORATING MODIFICATIONS SUGGESTED BY THE CALIFORNIA COASTAL COMMISSION

(City of Oceanside –Applicant)

WHEREAS, the provisions of the California Coastal Act (Public Resources Code 30000, et seq.) (the “Coastal Act”) require the City to adopt a Local Coastal Program (LCP) which meets the requirements of the Coastal Act at the local level and implements its provisions and policies; and

WHEREAS, on January 25, 1985, the California Coastal Commission (“Commission”) approved with suggested modifications the City’s Land Use Plan and implementing ordinances;

WHEREAS, on July 10, 1985, the Commission certified the City of Oceanside’s Land Use Plan (“LUP”) and found, pursuant to Public Resources Code 30512.2, the City’s LUP to be consistent with the policies and requirements of Chapter 3 of the Coastal Act and meet the basic state goals specified in Public Resources Code 30001.5; and

WHEREAS, on April 18, 2012, the Oceanside City Council and Community Development Commission (“CDC”), after giving the required public notice, conducted a public hearing as prescribed by law to amend the Local Coastal Program (LCPA11-00002); and

WHEREAS, on October 3, 2012, the Oceanside City Council and CDC, after giving the required public notice, conducted a public hearing as prescribed by law to amend the Local Coastal Program (LCPA12-00005); and

WHEREAS, on October 3, 2012, the Oceanside City Council and CDC, after giving the required public notice, conducted a public hearing as prescribed by law to amend Article 12 and the Local Coastal Program (RLCPA12-00001); and

WHEREAS, Notices of Exemption were prepared by the Resource Officer of the City of Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the State Guidelines thereto as amended to date; and

1 WHEREAS, on November 14, 2013, the California Coastal Commission approved, with
2 suggested modifications, Local Coastal Program Amendments LCPA11-00002, LCPA12-00005, and
3 RLCPA12-00001 pursuant to Public Resources Code §30512(b) as a condition of the Coastal
4 Commission's certification of LCPA11-00002, LCPA12-00005, and RLCPA12-00001; and

5 WHEREAS, the Oceanside City Council and CDC find that the modifications to Local Coastal
6 Program Amendments (LCPA11-00002, LCPA12-00005, and RLCPA12-00001 Revision) as suggested
7 by the California Coastal Commission, conform with and are adequate to carry out the land use plan of
8 the Local Coastal Program.

9 NOW, THEREFORE, the City Council and CDC DOES RESOLVE as follows:

10 1. Pursuant to Public Resources Code 30514 (a), the Oceanside City Council and
11 Community Development Commission hereby certify that Local Coastal Program Amendments
12 LCPA11-00002, LCPA12-00005, and RLCPA12-00001 Revision are intended to be carried out in a
13 manner fully in conformity with the Coastal Act and said Amendments are adopted.

14 2. Pursuant to the California Environmental Quality Act of 1970 (Public Resources Code
15 21000, et seq.) and state guidelines thereto as amended to date, a Categorical Exemption has been
16 issued by the City of Oceanside for this project.

17 3. Pursuant to Coastal Commission Local Coastal Program Regulations 14 CCR §13551(b),
18 these amendments with Coastal Commission suggested modifications shall take effect upon Coastal
19 Commission concurrence.

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1 4. Copies of the originals of these revised documents shall be maintained and available for
2 public review in the office of the Development Services Department.

3 PASSED AND ADOPTED by the Oceanside City Council on this _____ day of
4 _____, 2014, by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

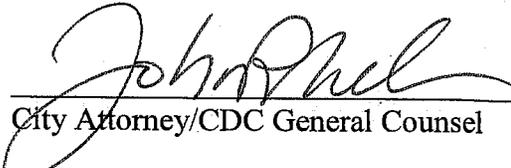
8 ABSTAIN:

9 _____
Mayor of the City of Oceanside/Chairman

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11
12 ATTEST:

APPROVED AS TO FORM:

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14 _____
City Clerk

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City Attorney/CDC General Counsel