



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

November 22, 2013

AGENDA DATE: December 11, 2013

Agenda Item #7

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

MODIFICATIONS TO PROPOSED ORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE TO ALLOW ADMINISTRATIVE APPROVAL OF SIGN EXCEPTIONS

Members of the Commission:

The purpose of this agenda item is for your Commission to review modifications to the proposed amendments to the sign ordinance that were originally considered by your Commission on September 11, 2013. The four Planning Commissioners present at that meeting voted unanimously to recommend that the Board of Supervisors determine the amendment to be categorically exempt from further review under CEQA and adopt the proposed ordinance amendment.

The Board of Supervisors considered the amendments at a public hearing held on November 5, 2013. The proposal before the Board differed somewhat from the proposal considered by your Commission, and therefore the Board directed that the modifications be scheduled for a review and recommendation by your Commission before returning to the Board as the subject of a continued public hearing on January 28, 2014.

Modifications to the Proposed Ordinance

Consistent with the original proposal, the proposed ordinance amendments would establish an administrative sign exception process rather than using the variance process for consideration of proposed signage that is not in compliance with the Code's current "one size fits all" approach. The key modification incorporated into the currently proposed version, made in response to public comments (Exhibit J), includes establishing thresholds above which an application would not be considered administratively, but at a noticed public hearing.

The proposed ordinance, as modified, is attached as Exhibit B. The strikeout version provided as Exhibit C reflects the complete amendment now proposed – a complete strikeout / underline relative to the current ordinance. The version of the ordinance that was recommended by your Commission on September 11th is attached for comparison as Exhibit D,

with the strikeout of that version shown by Exhibit E.

A summary of the modifications made to the original proposal, which have been incorporated into the now-proposed ordinance, is provided below:

- The original revisions to clarify Section 13.10.581 have been deleted, so that the changes to these paragraphs are limited to striking references to variances.
- In Section 13.10.581(A)(5), a citation to the California Business Code Section regulating gas station signs has been added for clarity.
- The proposed process for sign exceptions in 13.10.587 was modified to require a public hearing for sign exceptions that propose more than:
 - Three business identification signs
 - Three pedestrian oriented signs
 - Four name signs in any combination .
 - 50 square feet above the maximum aggregate area for individual businesses or shopping center directories

The proposed ordinance continues to include criteria to limit the application, scope, scale and environmental effects associated with sign exceptions.

Public Comments Made Subsequent to Planning Commission Consideration

The Board of Supervisors opened a public hearing on October 1, 2013, to consider the proposed amendment recommended by the Planning Commission, and then continued the public hearing to November 5, 2013 in order to allow staff time to respond to public comments submitted just prior to the hearing by the law firm, Wittwer & Parkin, representing the Aptos Council. A second letter was submitted prior to the November 5, 2013 Board of Supervisors meeting (both letters attached as Exhibit J).

The letters from Wittwer & Parkin assert that the proposed sign exception ordinance does not qualify for a Categorical Exemption as a Minor Alteration in Land Use Limitations, and that the ordinance was improperly “segmented” from a broader revision of the sign ordinance and also from a broader set of “regulatory reforms”.

Notice of Exemption Revised

The original Notice of Exemption that was reviewed by the Planning Commission on September 11, 2013 is attached as Exhibit G. Wittwer & Parkin state that the Categorical Exemption Class 15305 “Minor Alterations in Land Use Limitations” is not applicable and should not be used for this project. Staff continues to believe that it is appropriate, as the ordinance amendment is a minor modification of the permit process that a signage project would go through. Staff has included additional explanation within the revised Notice of Exemption that is now proposed. Additionally, the Statutory Exemption that applies inside the Coastal Zone has been added as a basis for CEQA exemption, as well as the Categorical Exemption Class 11 “Accessory Structures”. Finally, more detail was added to the analysis describing why the proposed amendment is not “segmenting” environmental review, and that it has no possibility of a significant effect on the environment. The currently proposed Notice of Exemption is attached as Exhibit F.

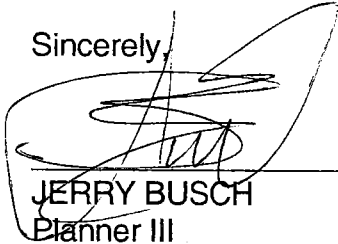
Conclusion

In summary, the modifications to the proposed amendments improve clarity and set a limit on the size and number of signs that may be considered for a sign exception without a public hearing. Applications below the limit, which are considered administratively at staff level, still require public notice, are subject to appeal, and may be subject to a public hearing if warranted by public concern or other circumstances. Detailed thresholds and criteria for considering and approving sign exceptions that were contained in the original proposal considered by your Commission remain in the proposal. The proposed Categorical Exemption is justified by three provisions of CEQA.

It is therefore RECOMMENDED that your Commission take the following action:

Adopt the attached resolution (Exhibit A) recommending that the Board of Supervisors approve the revised Notice of Exemption (Exhibit F) and adopt the currently-proposed sign ordinance amendments (Exhibit B).

Sincerely,


JERRY BUSCH
Planner III
KATHY M. PREVISICH
Planning Director

Exhibits:

- (A) Resolution recommending that the Board of Supervisors approve the revised Notice of Exemption and adopt the currently-proposed sign ordinance amendments
- (B) Clean copy of currently proposed ordinance
- (C) Underline / Strikeout of currently proposed ordinance
- (D) Clean copy of originally proposed ordinance
- (E) Underline / strikeout copy of originally proposed ordinance
- (F) Revised Notice of Exemption
- (G) Original Notice of Exemption
- (H) Board of Supervisors letter from meeting of November 5, 2013
- (I) Planning Commission letter from meeting of September 11, 2013
- (J) Letters from Wittwer & Parkin

cc: County Counsel

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
the following is adopted:

**PLANNING COMMISSION RESOLUTION RECOMMENDING AMENDMENT OF
SUBSECTION (4) OF SUBDIVISION (H) OF SECTION 13.10.324, SECTION 13.10.581 AS
MODIFIED, AND SUBSECTION (A) OF SUBSECTION (1) OF SUBDIVISION (F) OF SECTION
13.11.072, AND ADDITION OF SUBDIVISION 13.10.587 AS MODIFIED, OF THE SANTA
CRUZ COUNTY CODE, TO ESTABLISH ADMINISTRATIVE AND PUBLIC HEARING PERMIT
PROCESSES FOR EXCEPTIONS TO SIGN STANDARDS**

WHEREAS, the restrictive nature of the County's sign ordinance frequently triggers the need for modification of sign standards by businesses seeking adequate identification and visibility; and

WHEREAS, any inconsistency with County sign standards currently requires a variance; and

WHEREAS, variance approvals are guided primarily by a determination of special circumstances related to parcel size, shape and topography; rather than to thresholds and criteria related to providing attractive, appropriately scaled, environmentally appropriate signage; and

WHEREAS, revising sign regulations to establish an administrative process with public notice and public appeals for reviewing certain limited sign exceptions would reduce costs and shorten the processing periods for limited sign exceptions; and

WHEREAS, requiring Zoning Administrator review and a public hearing for any sign increasing the allowed size by more than 50 square feet or increasing the allowed number of signs by applicable thresholds, and establishing criteria for reviewing applications for sign exceptions, would improve the design, scale, cumulative effect and environmental sensitivity of such signs over the existing variance process; and

WHEREAS, any sign exceptions will require consistency with County General Plan policies protecting visual, neighborhood and environmental resources; and

WHEREAS, at its regular meeting on September 11, 2013, the Planning Commission conducted a duly noticed public hearing to consider the proposed amendments to Chapter 13.10 of the County Code relating to sign regulations, and considered all testimony and evidence received at the public hearing; and

WHEREAS, the Planning Commission adopted Resolution 2013-12 on September 11, 2013, finding the proposed amendments to the Santa Cruz County Code to be consistent with other provisions of the County Code, with the policies of the General Plan / Local Coastal Program (GP/LCP) and with State law; and further finding that the proposed ordinance

EXHIBIT A

amendments comprised amendments to the County Local Coastal Program and were consistent with the California Coastal Act; and recommending that the Board of Supervisors file a Notice of Exemption, approve the proposed ordinance amendments and submit the amendments to the Coastal Commission; and

WHEREAS, at public hearing November 5, 2013, the Board of Supervisors reviewed the proposed amendment recommended by the Planning Commission, along with modifications proposed subsequent to the Planning Commission hearing, and took actions to remand the proposed modifications back to the Planning Commission for review and recommendation, and to continue the public hearing of the Board of Supervisors to January 28, 2013; and

WHEREAS, at its regular meeting on December 11, 2013, the Planning Commission reviewed the proposed modifications to the previously reviewed ordinance amendment regarding sign exceptions, and also reviewed the revised Notice of Exemption; and

WHEREAS, the Planning Commission determines that the proposed amendments with the proposed modifications are exempt from further review under the California Environmental Quality Act under CEQA Guidelines sections 15265(a), 15305 and 15311; and

WHEREAS, the Planning Commission finds that the proposed ordinance amendment with the proposed modifications are consistent with other provisions of the County Code, with the policies of the GP/LCP and with State law; and further finds that the proposed ordinance amendments with the proposed modifications comprise amendments to the County Local Coastal Program and are consistent with the California Coastal Act; and

WHEREAS, Chapter 13.10 of the County Code is an implementing ordinance of the LCP and amendments of these chapters therefore constitute amendments to the LCP; and

WHEREAS, the Planning Commission finds that the proposed LCP amendments, as modified, are consistent with the Coastal Act.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors take the following actions: determine that the proposed amendments as modified are exempt from further review under the California Environmental Quality Act; direct staff to file the attached Notice of Exemption (Exhibit F); adopt the proposed ordinance with proposed modifications amending Chapter 13.10 of the Santa Cruz County Code (Exhibit B); direct that the ordinance shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date occurs last; and direct staff to submit the adopted amendments and modifications to the California Coastal Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2013 by the following vote:

AYES:	COMMISSIONERS
NOES:	COMMISSIONERS
ABSENT:	COMMISSIONERS
ABSTAIN:	COMMISSIONERS

EXHIBIT A

RACHEL DANN, Chairperson

ATTEST:

Ken Hart, Secretary

APPROVED AS TO FORM:

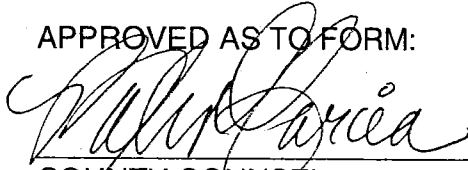

COUNTY COUNSEL

EXHIBIT A

ORDINANCE NO. _____

**ORDINANCE AMENDING SUBSECTION (4) OF SUBDIVISION (H) OF SECTION 13.10.324,
SECTION 13.10.581 AND SUBSECTION (A) OF SUBSECTION (1) OF SUBDIVISION (F)
OF SECTION 13.11.072, AND ADDING SECTION 13.10.587
TO THE SANTA CRUZ COUNTY CODE, ALL RELATING TO SIGN EXCEPTIONS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subsection (4) of Subdivision (H) of Section 13.10.324 of the Santa Cruz County Code is hereby amended to read:

(4) Signing. To be consistent with SCCC sections 13.10.580 through 13.10.587.

SECTION II

Section 13.10.581 of the Santa Cruz County Code is hereby amended to read:

13.10.581 Signs in C, CT, VA, PA, PF and M Districts.

(A) No sign, outdoor advertising structure or display of any kind shall be permitted except the following:

- (1) One business or identification sign and one small pedestrian-oriented sign per site as provided below.
- (2) Signs pertaining to a use conducted on the site, with aggregate areas according to the following table.

TOTAL SIGN AREA ALLOWED (Includes All Signs Displayed)	
Basis for Calculation	Total Sign Area* Allowed
Front width of building on an interior lot; or Front width plus street side width of building on a corner lot	1/2 square feet (72 square inches) of sign area per foot of building width
Width of site along the street (interior or corner lot)	1/4 square feet (36 square inches) of sign area per foot of site width
Maximum allowable area on an	20 square feet

TOTAL SIGN AREA ALLOWED (Includes All Signs Displayed)	
Basis for Calculation	Total Sign Area* Allowed
interior lot less than 40 feet wide at the street	
Maximum allowable area	50 square feet
* "Sign area" is defined as: The area within a well-defined border; or, the area of one side of a double-sided sign, or on a sign with no defined border, the area within the perimeter which encloses the letters, symbols or logo.	

- (3) Direction signs for off-street parking and loading facilities not exceeding four square feet.
- (4) One sign pertaining to the sale, lease, rental or display of a structure or land, not exceeding six square feet.
- (5) Up to two gas station price displays, limited to numerals, business logo and discount information required by California Business and Professions Code Sections 13530-13540.

(B) Permanent and temporary window signs are each limited to a maximum of 20 percent of the window area of the building. Temporary window signs not displayed for more than two weeks are not included in the total sign size limitation.

(C) Signs directly across the street from a residential zone district shall be limited to 30 square feet in area and shall not be directly illuminated or flashing.

(D) A freestanding sign detached from a building shall be of a design consistent with the architectural character of the building and shall be designed as an integral part of the landscaped area. Freestanding signs shall not exceed seven feet in height, measured from the existing grade at the edge of the road. Where on-street parking limits the visibility of freestanding signs, such signs may be erected to a maximum height of 12 feet, measured from the existing grade at the edge of the road.

(E) Signs located on a wall or on a roof fascia shall be designed as an integral part of the building design. Building signs shall be located on or below the upper line of the roof fascia.

(F) Signs and supports shall be set back a minimum of five feet from the edge of the right-of-way or roadway, whichever is greater, and shall not obstruct vehicular sight distance or pedestrian/bicycle circulation.

(G) No sign other than a directional sign shall project more than 12 inches into a required rear yard or required interior side yard.

- (H) Visibility of signs within scenic corridors shall be minimized by the use of appropriate material, size, location, and orientation. No illuminated signs shall be permitted within a scenic corridor.
- (I) Where sign lighting is permitted, only indirect illumination or low-intensity interior illumination shall be used. It is preferred that lighted signs be designed with light-colored translucent letters and logos, on a semi-opaque dark background. Any permitted sign lighting shall be unobtrusive to adjacent properties and any glare shall be directed onto the site.
- (J) Moving signs, flags, banners, sandwich board signs or flashing signs shall not be permitted.
- (K) Shopping Centers.
- (1) A sign program shall be developed for any shopping center or any group of business uses with shared sign facilities. The program shall include a name sign containing the name of the center, a directory sign either separate or combined with the name sign, and one small pedestrian-oriented sign for each shop. The sign program shall specify sign designs, dimensions, materials, colors, lighting, if any, and placement.
- (2) The total area of the center's name sign(s) and directory sign shall not exceed 50 square feet. The area of each individual shop sign shall not exceed one-half square foot per foot of building width measured across the front of the building, and shall not exceed a maximum of 18 square feet, whichever is smaller. [Ord. 4346 § 33, 1994; Ord. 3432 § 1, 1983].

SECTION III

The Santa Cruz County Code is hereby amended by adding Section 13.10.587 to be entitled "Sign Exceptions," to read as follows:

13.10.587 Sign Exceptions.

- (A) In any district, exceptions to any applicable ordinance standards for a sign, sign program, temporary sign or directional sign may be considered for approval where warranted by site-specific circumstances such as restricted visibility, distance from thoroughfare, location on a corner, unusually large structure, or historic preservation concerns.
- (B) Sign exceptions shall meet the following criteria:
- (1) The exception shall vary from sign standards in the Santa Cruz County Code only to the extent necessary and appropriate to address site-specific circumstances.
- (2) The signage is architecturally and aesthetically compatible with the surrounding neighborhood, environmental setting and associated buildings; does not create or contribute to visual clutter, does not adversely impact coastal visual resources, is consistent with the Local Coastal Program, and, if lighted, avoids undue incidental illumination away from the signage.

- (3) If the exception proposes illumination of a sign visible from a scenic road, the sign shall be situated within a commercial or visitor serving area or the urban Highway 1 corridor.

(C) Processing of sign exceptions

- (1) A sign exception shall be processed as an Administrative Permit with public notice, in accordance with procedures set forth in Chapter 18, except that the following proposals shall be subject to review by the Zoning Administrator following a public hearing, as per Chapter 18:
- (a) Any proposed exception to establish more than three business / identification signs, or more than small pedestrian-oriented business / identification signs, or any combination of general and pedestrian-oriented business / identification signs exceeding four.
 - (b) Any proposed exception that would exceed by more than 50 square feet either the maximum aggregate sign area established by 13.10.581(A) or the maximum area for directory signs established by 13.10.581(K)(2).

SECTION IV

Subsection (a) of Subsection (1) of Subdivision (F) of Section 13.11.072 is hereby amended to read as follows:

- (a) All requirements relating to signs set forth in SCCC Sections 13.10.580 through 13.10.587 shall be met.

SECTION V

This Ordinance shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date occurs last.

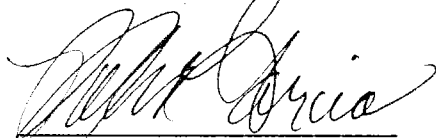
PASSED AND ADOPTED this _____ day of _____, 2013, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson, Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: County Counsel

**~~Strikethrough / Underline~~ Ordinance Amending Chapter 13.10
of the Santa Cruz County Code, relating to sign exceptions**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subsection (4) of Subdivision (H) of Section 13.10.324 of the Santa Cruz County Code is hereby amended to read:

(4) Signing. To be consistent with SCCC sections 13.10.580 through 13.10.587.

SECTION II

Section 13.10.581 of the Santa Cruz County Code is hereby amended to read:

13.10.581 Signs in C, CT, VA, PA, PF and M Districts.

(A) No sign, outdoor advertising structure or display of any kind shall be permitted except the following:

- (1) One business or identification sign and one small pedestrian-oriented sign per site as provided below. ~~A variance to allow more than one business sign may be considered under the provisions of SCCC 13.10.230 if justified by special circumstances such as limited visibility or unusually large size of a structure, location on a corner, historic preservation concerns, or consistency with a village design plan.~~
- (2) Signs pertaining to a use conducted on the site, with aggregate areas according to the following table. ~~The following formulas for calculating sign area shall be used unless a variance is obtained under the provisions of SCCC 13.10.230.~~

TOTAL SIGN AREA ALLOWED (Includes All Signs Displayed)	
Basis for Calculation	Total Sign Area* Allowed
Front width of building on an interior lot; or Front width plus street side width of building on a corner lot	1/2 square feet (72 square inches) of sign area per foot of building width
Width of site along the street (interior or corner lot)	1/4 square feet (36 square inches) of sign area per foot of site width
Maximum allowable area on an interior lot less than 40 feet wide at the street	20 square feet
Maximum allowable area	50 square feet
* "Sign area" is defined as: The area within a well-defined border; or, the area of	

TOTAL SIGN AREA ALLOWED (Includes All Signs Displayed)	
Basis for Calculation	Total Sign Area* Allowed
one side of a double-sided sign, or on a sign with no defined border, the area within the perimeter which encloses the letters, symbols or logo.	

- (3) Direction signs for off-street parking and loading facilities not exceeding four square feet.
- (4) One sign pertaining to the sale, lease, rental or display of a structure or land, not exceeding six square feet.
- (5) Up to two gas station price displays, limited to numerals, business logo and discount information required by California Business and Professions Code Sections 13530-13540.

(B) Permanent and temporary window signs are each limited to a maximum of 20 percent of the window area of the building. Temporary window signs not displayed for more than two weeks are not included in the total sign size limitation.

(C) Signs directly across the street from a residential zone district shall be limited to 30 square feet in area and shall not be directly illuminated or flashing.

(D) A freestanding sign detached from a building shall be of a design consistent with the architectural character of the building and shall be designed as an integral part of the landscaped area. Freestanding signs shall not exceed seven feet in height, measured from the existing grade at the edge of the road. Where on-street parking limits the visibility of freestanding signs, such signs may be erected to a maximum height of 12 feet, measured from the existing grade at the edge of the road.

(E) Signs located on a wall or on a roof fascia shall be designed as an integral part of the building design. Building signs shall be located on or below the upper line of the roof fascia.

(F) Signs and supports shall be set back a minimum of five feet from the edge of the right-of-way or roadway, whichever is greater, and shall not obstruct vehicular sight distance or pedestrian/bicycle circulation.

(G) No sign other than a directional sign shall project more than 12 inches into a required rear yard or required interior side yard.

(H) Visibility of signs within a scenic corridors shall be minimized by the use of appropriate material, size, location, and orientation. No illuminated signs shall be permitted within a scenic corridor.

(I) Where sign lighting is permitted, only indirect illumination or low-intensity interior illumination shall be used. It is preferred that lighted signs be designed with light-colored translucent letters and logos, on

a semi-opaque dark background. Any permitted sign lighting shall be unobtrusive to adjacent properties and any glare shall be directed onto the site.

(J) Moving signs, flags, banners, sandwich board signs or flashing signs shall not be permitted.

(K) Shopping Centers.

(1) A sign program shall be developed for any shopping center or any group of business uses with shared sign facilities. The program shall include a name sign containing the name of the center, a directory sign either separate or combined with the name sign, and one small pedestrian-oriented sign for each shop. The sign program shall specify sign designs, dimensions, materials, colors, lighting, if any, and placement.

~~(2) A variance to allow more than one name sign for the center may be considered under the provisions of SCCC 13.10.230 if justified by special circumstances such as limited visibility or unusually large size of structure, location on a corner, historic preservation concerns, or consistency with a village design plan.~~

(32) The total area of the center's name sign(s) and directory sign shall not exceed 50 square feet. The area of each individual shop sign shall not exceed one-half square foot per foot of building width measured across the front of the building, and shall not exceed a maximum of 18 square feet, whichever is smaller. [Ord. 4346 § 33, 1994; Ord. 3432 § 1, 1983].

SECTION III

The Santa Cruz County Code is hereby amended by adding Section 13.10.587 to be entitled "Sign Exceptions," to read as follows:

13.10.587 Sign Exceptions.

(A) In any district, exceptions to any applicable ordinance standards for a sign, sign program, temporary sign or directional sign may be considered for approval where warranted by site-specific circumstances such as restricted visibility, distance from thoroughfare, location on a corner, unusually large structure, or historic preservation concerns.

(B) Sign exceptions shall meet the following criteria:

- (1) The exception shall vary from sign standards in the Santa Cruz County Code only to the extent necessary and appropriate to address site-specific circumstances.
- (2) The signage is architecturally and aesthetically compatible with the surrounding neighborhood, environmental setting and associated buildings; does not create or contribute to visual clutter, does not adversely impact coastal visual resources, is consistent with the Local Coastal Program, and, if lighted, avoids undue incidental illumination away from the signage.

- (3) If the exception proposes illumination of a sign visible from a scenic road, the sign shall be situated within a commercial or visitor serving area or the urban Highway 1 corridor.

(C) Processing of sign exceptions

- (1) A sign exception shall be processed as an Administrative Permit with public notice, in accordance with procedures set forth in Chapter 18, except that the following proposals shall be subject to review by the Zoning Administrator following a public hearing, as per Chapter 18:
- (a) Any proposed exception to establish more than three business / identification signs, or more than three pedestrian-oriented business / identification signs, or any combination of general and pedestrian-oriented business / identification signs exceeding four.
 - (b) Any proposed exception that would exceed by more than 50 square feet either the maximum aggregate sign area established by 13.10.581(A) or the maximum area for directory signs established by 13.10.581(K)(2).

SECTION IV

Subsection (a) of Subsection (1) of Subdivision (F) of Section 13.11.072 is hereby amended to read as follows:

- (a) All sign regulations shall be met according to SCCC 13.10.580 through 13.10.586, inclusive. All requirements relating to signs set forth in SCCC Sections 13.10.580 through 13.10.587 shall be met.

SECTION V

This Ordinance shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date occurs last.

PASSED AND ADOPTED this _____ day of _____, 2013, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson, Board of Supervisors

**ORDINANCE AMENDING SUBSECTION (4) OF SUBDIVISION (H) OF SECTION 13.10.324,
SECTION 13.10.581 AND SUBSECTION (A) OF SUBDIVISION (1) OF SUBDIVISION (F)
OF SECTION 13.11.072, AND ADDING SECTION 13.10.587
TO THE SANTA CRUZ COUNTY CODE, ALL RELATING TO SIGN EXCEPTIONS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subsection (4) of Subdivision (H) of Section 13.10.324 of the Santa Cruz County Code is hereby amended to read:

(4) Signing. To be consistent with SCCC sections 13.10.580 through 13.10.586.

SECTION II

Section 13.10.581 of the Santa Cruz County Code is hereby amended to read:

13.10.581 Signs in C, CT, VA, PA, PF and M Districts.

(A) No sign, outdoor advertising structure or display of any kind shall be permitted except the following:

(1) One primary business or identification sign per site, one small, pedestrian-oriented business or identification sign per site, and signs pertinent to uses conducted on site. All business or identification signs and use-related signs are subject to the maximum aggregate sign area provided in the following table:

MAXIMUM AGGREGATE SIGN AREA ALLOWED	
Basis for Calculation	Aggregate Sign Area* Allowed
Front width of building on an interior lot; or Front width plus street side width of building on a corner lot	1/2 square feet (72 square inches) of sign area per foot of building width
Width of site along the street (interior or corner lot)	1/4 square feet (36 square inches) of sign area per foot of site width
Maximum allowable area on an interior lot less than 40 feet wide at the street	20 square feet
Maximum allowable area	50 square feet

MAXIMUM AGGREGATE SIGN AREA ALLOWED	
Basis for Calculation	Aggregate Sign Area* Allowed
<p>* "Sign area" means:</p> <ul style="list-style-type: none"> - The area within a well-defined border; or, - The area of one side of a double-sided sign; or, - On a sign with no defined border, the area within the perimeter which encloses the letters, symbols or logo. 	

(2) The following signs, whose areas are in addition to the maximum aggregate area defined in subsection (1) above:

- (a) Direction signs for off-street parking and loading facilities not exceeding four square feet.
- (b) One sign pertaining to the sale, lease, rental or display of a structure or land, not exceeding six square feet.
- (c) Gas station price displays, limited to numerals, business logo and discount information required by State statute.

(B) Permanent and temporary window signs allowed pursuant to 13.10.581(A)(1) are each limited to a maximum of 20 percent of the window area of the building. Temporary window signs not displayed for more than two weeks are not included in the total sign size limitation.

(C) Signs directly across the street from a residential zone district shall be limited to 30 square feet in area and shall not be directly illuminated or flashing.

(D) A freestanding sign detached from a building shall be of a design consistent with the architectural character of the building and shall be designed as an integral part of the landscaped area. Freestanding signs shall not exceed seven feet in height, measured from the existing grade at the edge of the road. Where on-street parking limits the visibility of freestanding signs, such signs may be erected to a maximum height of 12 feet, measured from the existing grade at the edge of the road.

(E) Signs located on a wall or on a roof fascia shall be designed as an integral part of the building design. Building signs shall be located on or below the upper line of the roof fascia.

(F) Signs and supports shall be set back a minimum of five feet from the edge of the right-of-way or roadway, whichever is greater, and shall not obstruct vehicular sight distance or pedestrian/bicycle circulation.

(G) No sign other than a directional sign shall project more than 12 inches into a required rear yard or required interior side yard.

(H) Visibility of signs within scenic corridors shall be minimized by the use of appropriate material, size, location, and orientation. No illuminated signs shall be permitted within a scenic corridor.

(I) Where sign lighting is permitted, only indirect illumination or low-intensity interior illumination shall be used. It is preferred that lighted signs be designed with light-colored translucent letters and logos, on a semi-opaque dark background. Any permitted sign lighting shall be unobtrusive to adjacent properties and any glare shall be directed onto the site.

(J) Moving signs, flags, banners, sandwich board signs or flashing signs shall not be permitted.

(K) Shopping Centers.

(1) A sign program shall be developed for any shopping center or any group of business uses with shared sign facilities. The program shall include a name sign containing the name of the center, a directory sign either separate or combined with the name sign, and one small pedestrian-oriented sign for each shop. The sign program shall specify sign designs, dimensions, materials, colors, lighting, if any, and placement.

(2) The total area of the center's name sign(s) and directory sign shall not exceed 50 square feet. The area of each individual shop sign shall not exceed one-half square foot per foot of building width measured across the front of the building, and shall not exceed a maximum of 18 square feet, whichever is smaller. [Ord. 4346 § 33, 1994; Ord. 3432 § 1, 1983].

SECTION III

The Santa Cruz County Code is hereby amended by adding Section 13.10.587 to be entitled "Sign Exceptions," to read as follows:

13.10.587 Sign Exceptions.

(A) In any district, exceptions to any applicable ordinance standards for a sign, sign program, temporary sign or directional sign may be considered for approval where warranted by site-specific circumstances such as restricted visibility, distance from thoroughfare, location on a corner, unusually large structure, or historic preservation concerns. A sign exception shall be processed as an Administrative Permit with public notice, in accordance with Section 18.10.222.

(B) Sign exceptions shall meet the following criteria:

(1) The exception shall vary from sign standards in the Santa Cruz County Code only to the extent necessary and appropriate to address site-specific circumstances.

(2) The signage is architecturally and aesthetically compatible with the surrounding neighborhood, environmental setting and associated buildings; does not create or contribute to visual clutter, and, if lighted, avoids undue incidental illumination away from the signage.

(3) If the exception proposes illumination of a sign visible from a scenic road, the sign shall be situated within a commercial or visitor serving area or the urban Highway 1 corridor.

SECTION IV

Subsection (a) of Subsection (1) of Subdivision (F) of Section 13.11.072 is hereby amended to read as follows:

(a) All requirements relating to signs set forth in SCCC Sections 13.10.580 through 13.10.586 shall be met.

SECTION V

This Ordinance shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date occurs last.

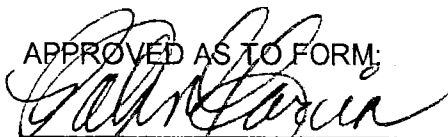
PASSED AND ADOPTED this _____ day of _____, 2013, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson, Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: County Counsel
Planning Department

**ORDINANCE AMENDING SUBSECTION (4) OF SUBDIVISION (H) OF SECTION 13.10.324,
SECTION 13.10.581 AND SUBSECTION (A) OF SUBSECTION (1) OF SUBDIVISION (F)
OF SECTION 13.11.072, AND ADDING SECTION 13.10.587
TO THE SANTA CRUZ COUNTY CODE, ALL RELATING TO SIGN EXCEPTIONS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subsection (4) of Subdivision (H) of Section 13.10.324 of the Santa Cruz County Code is hereby amended to read:

(4) Signing. To be consistent with SCCC sections 13.10.580 through 13.10.586.

SECTION II

Section 13.10.581 of the Santa Cruz County Code is hereby amended to read:

13.10.581 Signs in C, CT, VA, PA, PF and M Districts.

(A) No sign, outdoor advertising structure or display of any kind shall be permitted except the following:

(1) One primary business or identification sign per site, and one small, pedestrian-oriented business or identification sign per site, and signs pertinent to uses conducted on site. All business or identification signs and use-related signs are subject to the maximum aggregate sign area as provided below, in the following table: A variance to allow more than one business sign may be considered under the provisions of SCCC 13.10.230 if justified by special circumstances such as limited visibility or unusually large size of a structure, location on a corner, historic preservation concerns, or consistency with a village design plan.

~~(2) Signs pertaining to a use conducted on the site, with aggregate areas according to the following table. The following formulas for calculating sign area shall be used unless a variance is obtained under the provisions of SCCC 13.10.230.~~

<u>TOTAL MAXIMUM AGGREGATE SIGN AREA ALLOWED</u>	
(Includes All Signs Displayed)	
Basis for Calculation	<u>Total Aggregate Sign Area*</u> Allowed
Front width of building on an interior lot; or Front width plus street side width of building on a corner lot	1/2 square feet (72 square inches) of sign area per foot of building width
Width of site along the street (interior	1/4 square feet (36 square inches)

<u>TOTAL MAXIMUM AGGREGATE SIGN AREA ALLOWED</u> <u>(Includes All Signs Displayed)</u>	
Basis for Calculation	<u>Total Aggregate Sign Area* Allowed</u>
or corner lot)	of sign area per foot of site width
Maximum allowable area on an interior lot less than 40 feet wide at the street	20 square feet
Maximum allowable area	50 square feet
* "Sign area" is defined as <u>means</u> : - The area within a well-defined border; or, - t The area of one side of a double-sided sign; <u>or,</u> - e On a sign with no defined border, the area within the perimeter which encloses the letters, symbols or logo.	

(32) The following signs, whose areas are in addition to the maximum aggregate area defined in subsection (1) above:

- (3a) Direction signs for off-street parking and loading facilities not exceeding four square feet.
- (4b) One sign pertaining to the sale, lease, rental or display of a structure or land, not exceeding six square feet.
- (c) Gas station price displays, limited to numerals, business logo and discount information required by State statute.

(B) Permanent and temporary window signs allowed pursuant to 13.10.581(A)(1) are each limited to a maximum of 20 percent of the window area of the building. Temporary window signs not displayed for more than two weeks are not included in the total sign size limitation.

(C) Signs directly across the street from a residential zone district shall be limited to 30 square feet in area and shall not be directly illuminated or flashing.

(D) A freestanding sign detached from a building shall be of a design consistent with the architectural character of the building and shall be designed as an integral part of the landscaped area. Freestanding signs shall not exceed seven feet in height, measured from the existing grade at the edge of the road. Where on-street parking limits the visibility of freestanding signs, such signs may be erected to a maximum height of 12 feet, measured from the existing grade at the edge of the road.

(E) Signs located on a wall or on a roof fascia shall be designed as an integral part of the building design. Building signs shall be located on or below the upper line of the roof fascia.

- (F) Signs and supports shall be set back a minimum of five feet from the edge of the right-of-way or roadway, whichever is greater, and shall not obstruct vehicular sight distance or pedestrian/bicycle circulation.
- (G) No sign other than a directional sign shall project more than 12 inches into a required rear yard or required interior side yard.
- (H) Visibility of signs within ~~a scenic corridor~~ shall be minimized by the use of appropriate material, size, location, and orientation. No illuminated signs shall be permitted within a scenic corridor.
- (I) Where sign lighting is permitted, only indirect illumination or low-intensity interior illumination shall be used. It is preferred that lighted signs be designed with light-colored translucent letters and logos, on a semi-opaque dark background. Any permitted sign lighting shall be unobtrusive to adjacent properties and any glare shall be directed onto the site.
- (J) Moving signs, flags, banners, sandwich board signs or flashing signs shall not be permitted.
- (K) Shopping Centers.
- (1) A sign program shall be developed for any shopping center or any group of business uses with shared sign facilities. The program shall include a name sign containing the name of the center, a directory sign either separate or combined with the name sign, and one small pedestrian-oriented sign for each shop. The sign program shall specify sign designs, dimensions, materials, colors, lighting, if any, and placement.
- ~~(2) A variance to allow more than one name sign for the center may be considered under the provisions of SCCG 13.10.230 if justified by special circumstances such as limited visibility or unusually large size of structure, location on a corner, historic preservation concerns, or consistency with a village design plan.~~
- ~~(32)~~ The total area of the center's name sign(s) and directory sign shall not exceed 50 square feet. The area of each individual shop sign shall not exceed one-half square foot per foot of building width measured across the front of the building, and shall not exceed a maximum of 18 square feet, whichever is smaller. [Ord. 4346 § 33, 1994; Ord. 3432 § 1, 1983].

SECTION III

The Santa Cruz County Code is hereby amended by adding Section 13.10.587 to be entitled "Sign Exceptions," to read as follows:

13.10.587 Sign Exceptions.

(A) In any district, exceptions to any applicable ordinance standards for a sign, sign program, temporary sign or directional sign may be considered for approval where warranted by site-specific circumstances such as restricted visibility, distance from thoroughfare, location on a corner, unusually

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large structure, or historic preservation concerns. A sign exception shall be processed as an Administrative Permit with public notice, in accordance with Section 18.10.222.

(B) Sign exceptions shall meet the following criteria:

- (1) The exception shall vary from sign standards in the Santa Cruz County Code only to the extent necessary and appropriate to address site-specific circumstances.
- (2) The signage is architecturally and aesthetically compatible with the surrounding neighborhood, environmental setting and associated buildings; does not create or contribute to visual clutter, and, if lighted, avoids undue incidental illumination away from the signage.
- (3) If the exception proposes illumination of a sign visible from a scenic road, the sign shall be situated within a commercial or visitor serving area or the urban Highway 1 corridor.

SECTION IV

Subsection (a) of Subsection (1) of Subdivision (F) of Section 13.11.072 is hereby amended to read as follows:

(a) All sign regulations shall be met according to SCCC 13.10.580 through 13.10.586, inclusive. All requirements relating to signs set forth in SCCC Sections 13.10.580 through 13.10.586 shall be met.

SECTION V

This Ordinance shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date occurs last.

PASSED AND ADOPTED this _____ day of _____, 2013, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson, Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

County Counsel

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA for the reasons specified in this document.

Project Location: Countywide

Project Description: Adoption of an ordinance amending Chapter 13.10 of the Santa Cruz County Code to allow administrative review, with public notice, of sign exceptions, and to provide criteria for review of sign exceptions.

Person or Agency Proposing Project: County of Santa Cruz.

Contact Phone Number: 831-454-3234

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☒ **Statutory Exemption** other than a Ministerial Project. Within the Coastal Zone, the proposed ordinance amendment is statutorily exempt as a Local Coastal Program Amendment pursuant to CEQA Guidelines Section 15265(a).

Specify type:

- E. ☒ **Categorical Exemption(s)**

Type: Class 5 - Minor Alterations in Land Use Limitations (Section 15305)

Type: Class 11 – Accessory Structures (Section 15311)

Also, the activity is covered by the general rule, per Section 15061(b)(3) of the California Code of Regulations, that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Since there is no way that the sign exceptions ordinance can result in a significant effect on the environment, the proposed amendment is not subject to CEQA,

F. Reasons why the project is exempt:

The proposed project is a minor change to the Santa Cruz County Code that will 1) allow for administrative review, with public notice, of certain sign exceptions that currently require variance applications and a public hearing, and 2) provide criteria to guide review of administrative sign exception applications. Proposed sign exceptions that exceed defined size and number thresholds would require processing as a noticed public hearing before the Zoning Administrator.

1. The general rule Section 15061(b)(3) of the California Code of Regulations applies to the project because the great majority of signs that are candidates for an exception will be placed on buildings, and those that are located on the ground will typically be placed in landscaped areas or beside roads,

with minimal site disturbance. Sign posts are generally incompatible with steep slopes and are rarely if ever proposed in steep areas. In addition, any sign that is a candidate for an exception would have to be consistent with the extensive resource protection policies of the General Plan, which contains visual resource protection policies that are specific to signs, and which protect scenic highways and visual resource areas. Lastly, the amendment to the ordinance establishes criteria for sign exceptions that are currently not required for variances and in that way it strengthens the regulatory tool for avoiding visual clutter and signs that are not compatible with the visual setting.

2. The Class 5 “Minor Alteration in Land Use Limitations” Categorical Exemption applies because the project is a minor change to an existing land use regulation, related to the type of permit process a signage proposal would undergo. The allowed signage area or numbers are not proposed to be amended; only the type of permit process that applies when a sign is proposed that exceeds the current signage standards. While the examples of projects shown in State law in Section 15305 are more directed to specific parcels of land than is an ordinance revision, the examples are specifically noted as being examples and not a full list of covered projects by use of the phrase “including but not limited to”.

3. The Class 11 “Accessory Structures” exemption applies both because signs are “minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities” and “on premises signs” are specifically called out as an example of this class.

While both Class 5 and Class 11 exemptions would not operate when any exception listed in Section 15300.2 applies (factors such as location, cumulative impact or unusual circumstances may make a project that is normally exempt not qualify for the exemption), these factors are not involved with the subject sign ordinance amendment. There are no reasonably foreseeable projects with the possibility of creating significant environmental impacts that would result from incorporation of a sign exception permit into the County Code that would take the place of the variance process. There are no reasonable possibilities due to location, cumulative impact or unusual circumstances that adoption of the proposed ordinance would result in a significant effect on the environment.

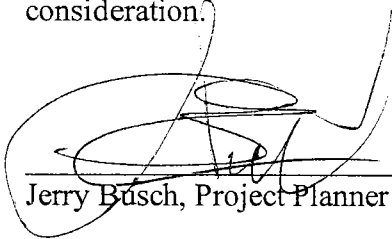
A public comment expressed the concern that this project is part of a larger program of “regulatory reform” and that the project cannot be considered separate from other efforts to update and modernize the County Code. The County of Santa Cruz does not agree with that contention. The terms “regulatory reform” or “code modernization” refer to a broad goal that has been identified by the Board of Supervisors and the County Planning Department, which is that the land use codes should be modernized, made more clear, and include streamlined permitting approaches as appropriate in order to reduce the time and money it takes to obtain permits, and thereby reduce the level of unpermitted construction activity that occurs. In pursuit of this goal, the Planning Department has been identifying confusing and/or overly complicated parts of the codes, and then stating a particular objective and developing a proposed project (code amendment) that would meet that objective. This activity occurs at a pace that reflects resource availability (staff time). There are larger objectives that lead to larger “packages” of amendments, such as “Update Zoning District Use Charts and Development Standards”. That package necessarily includes the “Update of Chapter 18.10 Permit and Approval Procedures” due to the current structure of the use charts. That is a large package that is complicated and still coming together, with the hope of having draft ordinances available for Board of Supervisor review and acceptance as a “project description” early in 2014, so that the CEQA review of that large package can begin.

At times, when staff identifies what it believes is a smaller, more-focused project objective that could be prepared and processed more quickly, those smaller Code Modernization proposals are brought forward for consideration. That is the case with the current sign ordinance amendment.

In the case of this proposed sign ordinance amendment, the project objective is to incorporate a more streamlined permit process into the code, for those situations where the existing code's "one size fits all" approach does not work. Rather than characterize signage as a zoning site development standard that cannot be approved unless state-mandated variance findings can be made, the proposal is that the County Code incorporate a carefully constructed exception process. The proposed approach also provides the opportunity to create criteria for sign exceptions that better fit the circumstances that come into play when considering signage. The proposed approach includes the ability to process certain sign exceptions administratively, which reduces expense, uncertainty, and delays in permitting for owners attempting to open new businesses. However, proposed exceptions over defined number and size thresholds would remain subject to a requirement for a noticed public hearing before the Zoning Administrator.

A project objective of creating an entirely new sign ordinance is at this point an idea of staff, with no work accomplished to date. Staff is asking the Board whether it wants to pursue this idea, but any ideas about specific content do not exist at this time.

There is no singular defined project description for "Regulatory Reform" that meets a singular project objective. The broader goal of Code Modernization will be met over time through a series of project objectives as they are identified, and articulated as "project descriptions" over time for consideration.



Jerry Busch, Project Planner

Date: 11/25/13

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Project Location: Countywide

Project Description: Adoption of an ordinance amending Chapter 13.10 of the Santa Cruz County Code to provide for administrative review of sign exceptions and to clarify certain other provisions of existing sign regulations.

Person or Agency Proposing Project: County of Santa Cruz.

Contact Phone Number: 831-454-3234

- A. _____ The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. _____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. _____ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. _____ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

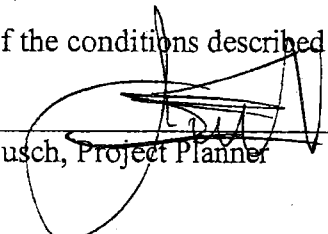
- E. X **Categorical Exemption**

Specify type: Class 5 - Minor Alterations in Land Use Limitations (Section 15305)

F. Reasons why the project is exempt:

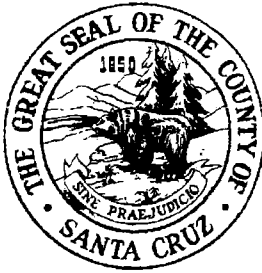
The proposed project is a minor change to the Santa Cruz County Code that will 1) allow for administrative review, with public notice, of certain sign exceptions that currently require variance applications and a public hearing, and 2) provide criteria to guide review of administrative sign exception applications.

None of the conditions described in Section 15300.2 apply to this project.



Jerry Busch, Project Planner

Date: 8/30/2013



COUNTY OF SANTA CRUZ

0275

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

October 24, 2013

AGENDA: November 5, 2013

BOARD OF SUPERVISORS

County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: CONTINUED PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE TO ALLOW ADMINISTRATIVE APPROVAL OF SIGN EXCEPTIONS

Members of the Board:

The purpose of this report is to provide additional material for your consideration regarding proposed amendments to the County Code that would allow administrative approval of sign exceptions, with public notice. The proposed ordinance was the subject of a public hearing before your Board on October 1, 2013, which was continued to this November 5, 2013 date. Staff subsequently met with Mr. Bill Parkin of Wittwer & Parkin to review the concerns raised in that firm's letter dated September 27, 2013. As a result of that meeting, staff has incorporated refinements into the proposal. This report reviews those refinements and responds to the concerns in the September 27th letter.

Purpose of Proposed Amendment of Sign Regulations

As described in the letter for the October 1st agenda (Attachment 6), the existing sign regulations can be characterized as a "one size fits all" approach that requires a business owner to apply for a variance if the generic standard is not sufficient to provide adequate signage for the particular circumstances of that location. There are several reasons why a carefully constructed exception process in the Code is a better option to address that situation than a variance process. These include the opportunity to create criteria for exceptions that better fit the circumstances than variance findings, and the ability to process the exception administratively in many cases, which reduces expense, uncertainty, and delays in permitting for owners attempting to open new businesses. In summary, it makes sense that signs be treated more like an aspect of the design of buildings and the overall project than as a site standard.

The current proposal would substitute an administrative "sign exception" process in place of the existing variance process. A refinement which has been incorporated into the proposal now before the Board is that if a proposed exception would exceed a defined number or size threshold, then the sign exception would not be administrative, but would be publicly noticed and considered at a public hearing by the Zoning Administrator. In other words, administrative sign exception permits would require public notice but no public hearing up to a certain point, but above that size or number a noticed public hearing would be required.

EXHIBIT H

The proposal continues to incorporate criteria that are established to limit the scope, scale and environmental effects associated with sign exceptions. These criteria will provide planners with an improved basis for signage review, as they relate more to the size and nature of the development site, and the buildings and uses that are being signed, rather than the characteristics of the parcel itself.

Summary of Modifications to Proposed Ordinance and to CEQA Notice of Exemption

The differences between the proposed amendments that were before your Board on October 1st and the amendments before your Board today are as follows:

1. Certain previously proposed changes within Sections 13.10.581(A)1 and 2 have been removed, so that the changes to these paragraphs are limited to striking references to variances. Also, in Section 13.10.581(A)5, a citation to the California Business Code Section regulating gas station signs has been included.
2. The previously proposed process for processing sign exceptions has been modified to place a limit on how much of a departure from the standard will be allowed to be considered administratively, above which a public hearing becomes mandatory. Any proposal for more than 50 additional square feet of signage would require a public hearing. Any request for more than three business identification signs, more than three pedestrian oriented signs, or any combination of these signs that exceeds four signs, will trigger a public hearing. The code section describing the new limits is 13.10.587 (C).
3. The Notice of Exemption previously did not specify the Statutory Exemption and the Class 11 Categorical Exemption that may be applied to the proposed amendments in addition to the Class 5 exemption that had previously been identified, and which continues to be one of the bases for the exemption determination. Detail about why the project is not considered to have the potential to create a significant impact on the environment was also added to the Notice of Exemption (Attachment 5). This information responds to the points made in the September 27, 2013 Wittwer & Parkin letter (Attachment 8).

Responses to Concerns of Wittwer & Parkin Letter dated September 27, 2013

This letter was received by Planning Department staff the day before the October 1st public hearing and although it was provided to Board members, the comments were not able to be addressed by staff at that time; therefore, responses follow.

The letter asserts that by referring to these amendments as part of an ongoing effort toward "regulatory reform" they become part of an existing program that is well defined enough to constitute a "project" under CEQA. Staff disagrees strongly with this characterization. The terms "regulatory reform" or "code modernization" refer to a broad goal that has been identified by your Board and the Department, which is that the land use codes should be modernized, made more clear, and include streamlined permitting approaches as appropriate in order to reduce the time and money it takes to obtain permits, and thereby reduce the level of unpermitted construction activity that occurs. In pursuit of this goal, the Planning Department has been identifying confusing and/or overly complicated parts of the codes, and then stating a particular objective and developing a proposed project (code amendment) that would meet that objective. This activity occurs at a pace that reflects resource availability (staff time). There are larger objectives that lead to larger "packages" of amendments, such as "Update Zoning District Use Charts and Development Standards". This package necessarily includes the "Update of Chapter 18.10 Permit and Approval Procedures" due to the current structure of the use charts.

That is a large package that is complicated and still coming together, with the hope of having draft ordinances available for Board review and acceptance as the "project description" early in 2014, so that the CEQA review of that large package can begin.

At times, when staff identifies what it believes is a smaller, more-focused project objective that could be prepared and processed more quickly, those smaller proposals are brought forward for consideration. That is the case with this current sign ordinance amendment.

As previously discussed, in the case of this proposed sign ordinance amendment, the project objective is to incorporate a more streamlined permit process into the code, for those situations where the existing code's "one size fits all" approach does not work. Rather than characterize signage as a zoning site development standard that cannot be approved unless state-mandated variance findings can be made, the proposal is that the County Code incorporate a carefully constructed exception process. The proposed approach also provides the opportunity to create criteria for sign exceptions that better fit the circumstances that come into play when considering signage. The proposed approach includes the ability to process certain sign exceptions administratively, which reduces expense, uncertainty, and delays in permitting for owners attempting to open new businesses. However, proposed exceptions over defined number and size thresholds would remain subject to a requirement for a noticed public hearing before the Zoning Administrator.

Staff does not have an entirely new sign ordinance in the current work plan at this point.

Environmental Review

The Wittwer & Parkin letter also states that CEQA Categorical Exemption 15305 "Minor Alterations in Land Use Limitations" is not applicable and should not be used for this project. Staff continues to believe that it is appropriate, as the ordinance amendment is a minor modification of the permit process that a signage project would go through. Staff has included additional explanation within the Notice of Exemption (Attachment 5). Additionally, the Statutory Exemption that applies inside the Coastal Zone has been added as a basis for CEQA exemption, as well as the Categorical Exemption Class 11, Accessory Structures. Finally, more detail was added to the analysis describing why the proposed amendment has no possibility of a significant effect on the environment.

Planning Commission Recommendation

As indicated in the previous staff report, on September 11, 2013 the Planning Commission (Attachment 7) held a duly noticed public hearing to consider the proposed ordinance. The four Planning Commissioners present at the meeting voted unanimously to recommend that your Board: (a) determine that the proposed amendments to the County Code are exempt from further CEQA review and that staff be directed to file the Notice of Exemption; (b) approve the proposed ordinance amendments; and (c) direct staff to meet with stakeholders, consult with other County jurisdictions, and develop a comprehensive update to the sign ordinance and related General Plan policies, with the goal of producing a proposed draft within a year. For any new ordinance, Commissioners stressed the need to protect scenic corridors from intrusive signage (particularly lighted signs); to enforce sign standards; and to ensure a reasonable appeals process for signs and sign exceptions that is not prohibitively expensive.

Recommendation

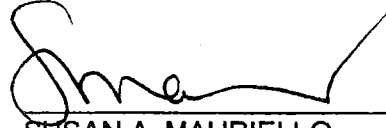
It is RECOMMENDED that your Board take the following actions:

1. Conduct a public hearing on the proposed sign ordinance amendments to the County Code;
2. Adopt the Resolution (Attachment 1) finding the proposed amendments to Santa Cruz County Code exempt from further environmental review under the California Environmental Quality Act, and directing staff to file the Notice of Exemption (Attachment 5), and to submit the amendments to the Coastal Commission;
3. Approve in concept the proposed ordinance amendments (Attachment 2);
4. Direct the Clerk of the Board to schedule a second reading to adopt the ordinance on the next meeting agenda; and
5. Direct staff to meet with stakeholders, consult with other County jurisdictions and develop a comprehensive update to the sign ordinance and related General Plan policies, with the goal of producing a proposed draft within a year.

Sincerely,


Kathy M. Previsich
Planning Director

RECOMMENDED:


SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

- (1) Resolution
- (2) Proposed ordinance amendment
- (3) Underline/Strikeout copy of ordinance
- (4) Current sign ordinance, complete
- (5) Notice of Exemption
- (6) Selected materials from the Board of Supervisors meeting October 1, 2013
- (7) Selected materials from the Planning Commission hearing, dated September 11, 2013
- (8) Letter of Wittwer & Parkin dated September 27, 2013

cc: County Counsel



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHY PREVISICH, PLANNING DIRECTOR

August 29, 2013

AGENDA DATE: SEPTEMBER 11, 2013

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Agenda Item #: 7

SUBJECT: CONSIDER AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE TO ALLOW ADMINISTRATIVE APPROVAL OF SIGN EXCEPTIONS. CHAPTER 13.10 IS A COASTAL IMPLEMENTING ORDINANCE.

Members of the Commission:

The purpose of today's hearing is to consider amending the Santa Cruz County Code to clarify sign regulations in of the Santa Cruz County Code and to allow administrative approval of sign exceptions, with public notice.

Minor amendments to the County Code

The proposed amendments (Exhibit B; strikeout version in Exhibit C) are part of the ongoing Planning Department program to streamline permit review, modernize the County Code, and facilitate economic development.

The County's restrictive sign regulations frequently trigger variance applications by new businesses seeking adequate public visibility. Variances, however, are allowed only where "special circumstances" such as steep slopes or unusual lot geometry deprive owners of rights and privileges enjoyed by others. In some cases, variance findings cannot be made; in others, a variance elevates the approval from administrative review to a public hearing before the Zoning Administrator, adding expense, uncertainty, and delays in permitting for owners attempting to open new businesses.

The proposed amendments would substitute an administrative process for specified sign "exceptions" in place of the existing process requiring a variance. Exception permits would require public notice but no public hearing. Criteria would be established to limit the application, scope, scale and environmental effects associated with sign exception permits. The proposed criteria for approving sign exceptions would provide planners with an improved basis for permit review, because the criteria and findings will relate more to architecture, setting and design rather than the configuration of the property.

The strategy of the current sign ordinance is to strictly limit the number and cumulative area of site signs rather than provide separate standards and site criteria for monument signs, wall signs, hanging signs and other types of signage. The County's approach diverges from widespread planning practice, which is to provide dimensional standards and guidelines specific to the different kinds of signs that are allowed under different circumstances (e.g. office building vs. shopping center). The frequency of applications for sign variances shows that business owners are having difficulty meeting their visibility needs while complying with existing County sign regulations. A comprehensive sign ordinance

EXHIBIT I

amendment would improve the quality of signage and the visual environment, and also expedite permit processes and reduce costs associated with processing sign approvals.

CEQA

Staff prepared a Notice of Exemption (Exhibit D) for the proposed ordinance amendment. The proposed project is a minor alteration in land use limitations (Class 15305). It will add a specific permit process for and criteria for approving certain sign exceptions and should reduce the level of unpermitted sign activity.

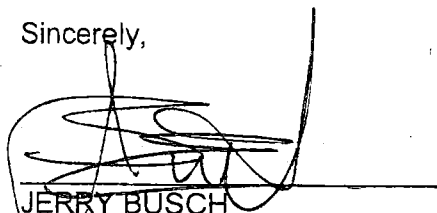
Recommendations

Staff believes that the proposed ordinance amendments would clarify sign regulations, improve the quality of sign exception approvals, and streamline the permit process.

It is therefore **RECOMMENDED** that your Commission take the following actions:

1. Conduct a public hearing on the proposed sign ordinance amendments to the County Code (Exhibit B); and
2. Adopt the Resolution (Exhibit A) recommending that the Board of Supervisors: 1) determine that the proposed amendments to the General Plan / LCP and Santa Cruz County Code are exempt from further review under Class 15305 of the California Environmental Quality Act, and direct staff to file the attached Notice of Exemption (Exhibit D); and 2) approve the proposed ordinance amendments (Exhibit B).
3. Recommend that Board of Supervisors direct staff to meet with stakeholders, consult with other County jurisdictions and develop a comprehensive update to the sign ordinance and related General Plan policies, with the goal of producing a proposed draft within a year.

Sincerely,



JERRY BUSCH
Planner III



KATHY M. PREVISICH
Planning Director

Exhibits:

- (A) Resolution recommending that the Board of Supervisors approve a Categorical Exemption and approve the proposed Zoning Ordinance amendments
- (B) Clean copy of proposed ordinance
- (C) Underline/Strikeout copy of ordinance
- (D) Notice of Exemption

cc: County Counsel

Jonathan Wittwer
William P. Parkin

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Ryan D. Moroney
Nicole G. Di Camillo

September 27, 2013

VIA EMAIL AND HAND DELIVERY

Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060
tess.fitzgerald@co.santa-cruz.ca.us

RE: Item 39 on October 1, 2013 Agenda - Sign Ordinance Revisions

Dear Board of Supervisors:

This office represents the Aptos Council and this letter is written on its behalf. The County has failed to perform any environmental review of the potential impacts related to the proposed relaxation of standards to the County's Sign Ordinance in violation of the California Environmental Quality Act (CEQA- Public Resources Code 21000 *et seq.*) CEQA requires that potential impacts of these proposed changes be analyzed, which the County has not done here. Accordingly, we respectfully request that the County perform environmental review for these proposed changes as required under CEQA.

The basis for the County's failure to conduct the required review is based on the erroneous conclusion that the proposed revisions are exempt from environmental review pursuant to CEQA Guidelines §15305, which provides:

§ 15305. Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

(*Id.*; emphasis supplied.) Based on a plain reading, this exemption is clearly not applicable. Obviously, the proposed revisions of the sign ordinance have nothing whatsoever to do with alterations in lot size, configuration, etc. for an individual parcel of land as contemplated by the exemption. See, *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168 (City erred in relying on a categorical exemption because attaching a fence to a historic structure is not a minor alteration of a land use limitation within the meaning

of Cal. Code Regs., tit. 14, § 15305.) **Instead, this is a County-wide ordinance re-write which loosens the County's sign regulations, making it easier to obtain a variance from those regulations, and eliminating the public's fundamental right to be heard on such variance requests.**

Moreover, even if the §15305 exception were applicable, which it is clearly not, a Categorical Exemption under CEQA may not be used for a relaxation of standards. As explained in *International Longshoremen's & Warehousemen's Union, Local 35 v. Board of Supervisors* (1981) 116 Cal.App.3d 265, an air district rule relaxing nitrous oxide emission standards was not categorically exempt from environmental review because there was the potential for a significant adverse environmental impacts caused by affirmative governmental agency action altering the status quo. See, also, *California Unions for Reliable Energy v. Mojave Desert Air Quality Management Dist.* (2009) 178 Cal. App. 4th 1225, 1240 ("Rulemaking proceedings cannot be found exempt, however, when the rule has the effect of weakening environmental standards. [Citations.] [¶] [Even a] new regulation that strengthens some environmental requirements may not be entitled to an exemption if the new requirements could result in other potentially significant effects. [Citations.] (2 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act, supra, § 20.43, p. 981."))

Further, CEQA provides for several exceptions to categorical exemptions, and, if an exception applies, the exemption cannot be used, and the agency must instead prepare an initial study and perform environmental review. (*McQueen v. Bd. of Dirs.* (1988) 202 Cal.App.3d 1136, 1149; *Committee to Save the Hollywoodland, supra*, 161 Cal. App. 4th at 1187.) "Even if a project falls within the description of one of the exempt classes, it may nonetheless have a significant effect on the environment based on factors such as location, cumulative impact, or unusual circumstances." (CEQA Guidelines §15300.2; *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 689.) "[W]here there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper." (*Id.*; *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 205-206.) Here, the proposed changes to the sign ordinance trigger application of one or more of these exceptions, and thus a categorical exemption may not be used, and an initial study must be prepared.

Finally, the proposed sign ordinance revisions are part of the County's self-proclaimed "Regulatory Reform Efforts" which constitute a suite of prior, pending and future County Code amendments contemplated by the Planning Department. Indeed, the staff report freely admits as much: "The proposed amendments (Attachment 2; ~~strikeout version in Attachment 3~~) are part of the ongoing Planning Department program to streamline permit review, modernize the County Code, and facilitate economic development." However, rather than perform the required environmental review of this project as a whole, the County has engaged in a pattern and practice of segmenting or "piecemealing" these "Regulatory Reform Efforts" by splitting the project up into numerous smaller segments in order to avoid environmental review in violation of CEQA. CEQA Guidelines §15378; *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263.

Pursuant to Public Resources Code § 21167(f), I am requesting that the County forward a Notice of Determination to me if and when the Project is finally approved. That section provides:

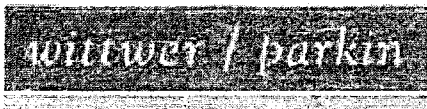
If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid.

Thank you for your consideration of these comments.

Very truly yours,
WITTWER & PARKIN, LLP


Ryan D. Moroney

cc: Chris Cheleden, County Counsel
Client



JONATHAN WITTWER
WILLIAM P. PARKIN
RYAN D. MORONEY
NICOLE G. DI CAMILLO

November 1, 2013

VIA HAND DELIVERY AND EMAIL

Board of Supervisors
County of Santa Cruz
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

Re: Agenda Item 36; Continued Public Hearing to Consider Amending Chapter 13.10 of the Santa Cruz County Code to Allow Administrative Approval of Sign Exceptions

Dear Members of the Board:

As you know, this office represents the Aptos Council with respect to the above referenced matter. This letter is to respond to a Staff Report to you dated October 24, 2013 (that was just released publicly yesterday). The office stands by its previous September 27, 2013 communication to you concerning this item, and incorporates that previous letter by reference. Nothing in the additional Staff Report, or the revisions, since you last reviewed this item changes the assertions in our letter.

The claimed exemption in this matter is inapplicable to this matter for the reasons previously set forth. The addition of additional information in the exemption only confirms that the reasoning is flawed. Appropriate use of an exemption does not need a detailed explanation as is provided in your agenda packet. Moreover, the addition of the Statutory Exemption for amendments to a Local Coastal Program does nothing to cure the defect. This ordinance will apply outside the Coastal Zone, which encompasses most of the County.

The ordinance itself actually proves that there will be an environmental effect. Indeed, the clear purpose of the ordinance is to loosen current restrictions, which can only be contravened with application of the strict standards for a variance, with more discretionary findings.

Finally, we disagree with the Staff Report's analysis concerning piecemeal environmental review. In fact, the Board is also considering separately on the same agenda as this item the loosening of zoning restrictions for Hotels and Motels (agenda item 35). The County is clearly piecemealing zoning code changes with Negative Declarations and Exemptions. The scope of changes proposed require more robust environmental review in the form of an EIR with public review and comment. Moreover, the cumulative impacts, including but not limited to the

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cumulative visual impact, of allowing more signs in conjunction with more development in other areas (such as the allowance of four stories for motels and hotels that would be permitted if you also approve agenda item 35) must be addressed.

Thank you for your consideration of these comments.

Very truly yours,
WITTWER PARKIN LLP



William P. Parkin

cc: Kathy Previsich (via email only)
Chris Cheleden, Esq. (via email only)