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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING A SITE MAP AND DESIGNATING THE BOUNDARIES OF A BUSINESS CENTER PURSUANT TO AND IN COMPLIANCE WITH BUSINESS AND PROFESSIONS CODE 5274.

WHEREAS, the Business and Professions Codes Section 5200 *et. seq.* and Title 4 of the Code of Regulations Section 2240 *et. seq.*, as amended and known as the “Outdoor Advertising Act”, regulate the placement and location of outdoor advertising displays, signs, message boards, and billboards visible from an interstate or primary highway within the State of California; and

WHEREAS, pursuant to Section 5274 of the Business and Professions Code, an on-premises advertising display that is visible from an interstate or primary highway and located within a business center is permissible, provided that the display meets all of the following conditions:

- (1) The display is located within an individual development project for commercial, industrial, or mixed commercial and industrial purposes, as shown on a subdivision or site map approved by the City;
- (2) The display identifies the name of the business center, if named;
- (3) Each business identified on the display is located within the business center and on the same side of an interstate or primary highway where the display is located;
- (4) The City has adopted ordinances for the display for the area where the display will be placed, and the display meets the requirements of the ordinances;
- (5) The display results in a consolidation of allowable displays within the business center, so that fewer displays will be erected as a result of the display; and
- (6) Placement of the display will not cause a reduction of federal aid highway funds as provided in Section 131 of Title 23 of the United States Code; and

WHEREAS, pursuant to Section 5490 of the Business and Professions Code, “on-premises advertising display” means any structure, housing, sign, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, that has been designed, constructed,

1 created, intended, or engineered to have a useful life of 15 years and intended or used to advertise, or
2 to provide data or information in the nature of advertising, for any of the following purposes:

- 3 (1) To designate, identify, or indicate the name or business of the owner or occupant of the
4 premises upon which the advertising display is located; or
- 5 (2) To advertise the business conducted, services available or rendered, or the goods
6 produced, sold, or available for sale, upon the property where the advertising display
7 has been lawfully erected.

8 **WHEREAS**, pursuant to paragraph (g) of Section 5490 of the Business and Professions Code,
9 a display deemed an on-premise advertising display within a business center continues regardless of
10 any of the following occurrences:

- 11 (1) The creation or construction, in or about the project, of a common parking area,
12 driveway, thruway, alley, passway, public or private street, roadway, overpass, divider,
13 connector, or easement intended for ingress or egress, regardless of where or when
14 created or constructed, and whether or not created or constructed by the project
15 developer or its successor, or by reason of government regulation or condition;
- 16 (2) The sale, transfer, conveyance of an individual lot, parcel, or parcels less than the
17 whole, within the development project;
- 18 (3) The sale, transfer, conveyance, or change of name or identification of a business within
19 the development project; and

20 **WHEREAS**, Thrifty Oil Co. (“TOC”) owns the fee interest of that certain property consisting
21 of 0.27 acres located on the west side of Riverside Avenue, approximately 175 feet south of Valley
22 Boulevard and north of the 10 Freeway (Assessor Parcel Number 0132-131-13) in Rialto, (known as
23 the (“TOC Parcel”)); and

24 **WHEREAS**, the TOC Parcel is undeveloped and is appropriately designated as within the
25 Freeway Commercial (F-C) Zone of the Gateway Specific Plan in compliance with all local, state, and
26 federal regulations; and
27
28

1 **WHEREAS**, TOC submitted an entitlement application to the City to install a 100-foot tall
2 freeway-oriented multi-tenant freestanding sign with an electronic message board on the TOC Parcel,
3 Precise Plan of Design (PPD) 2017 (“Sign”); and

4 **WHEREAS**, on February 28, 2018, the Planning Commission approved Conditional
5 Development Permit Number 2018-0004, pursuant to Resolution No. 18-18, approving the installation
6 of the Sign subject to conditions;

7 **WHEREAS**, areas of the Gateway Specific Plan between San Bernardino Avenue and the 10
8 Freeway and between Willow Avenue and Sycamore Avenue are designated per the Gateway Specific
9 Plan as Retail Commercial or Freeway Commercial (“Target Area”);

10 **WHEREAS**, TOC proposes to allow retailers located within the Target Area to advertise their
11 business and products on the Sign; and

12 **WHEREAS**, the City and TOC desire to establish a business center within the Target Area of
13 the Gateway Specific Plan to allow retailers to promote their business and products on the Sign.

14 **NOW, THEREFORE**, the City Council of the City of Rialto hereby resolves as follows:

15 **Section 1.** The foregoing recitals are determined to be true and correct and incorporated
16 herein by this reference.

17 **Section 2.** The City Council hereby approves the site map attached hereto as Exhibit “A”
18 (“Site Map”), which depicts and designates the boundaries of the Business Center within the Gateway
19 Specific Plan area (collectively “ Business Center”), and hereby approves such boundaries as
20 comprising the Business Center pursuant to and in compliance with the Outdoor Advertising Act.

21 **Section 3.** The City Council hereby finds and determines that the on-premises display
22 within the Business Center has been placed and is obligated to be maintained pursuant to Chapter 2.5
23 (commencing with Section 5490) of the Business and Professions Code and California Code of
24 Regulations.

25 **Section 4.** The City Council hereby finds and determines that the on-premises advertising
26 display at the Business Center has been placed within the boundaries of the development project, as
27 defined in Section 65928 of the Government Code, for commercial, industrial, or mixed commercial
28

1 and industrial purposes, as shown on the Site Map attached hereto and is developed and zoned for
2 those purposes.

3 **Section 5.** The City Council hereby finds and determines that each business identified on
4 the display is located within the Business Center and is on the same side of an interstate or primary
5 highway where the display is located.

6 **Section 6.** The City Council hereby finds and determines that the City Council has
7 previously adopted ordinances for the display pursuant to Sections 5230 and 5231 for the area where
8 the display is placed, and the display meets all city ordinances.

9 **Section 7.** The City Council hereby finds and determines that the display results in a
10 consolidation of allowable displays within the Business Center, so that fewer displays will be erected
11 because of the display.

12 **Section 8.** The City Council hereby finds and determines that the placement of the display
13 will not cause a reduction of federal aid highway funds as provided in Section 131 of Title 23 of the
14 United States Code.

15 **Section 9.** The City Council hereby finds and determines, based on substantial evidence in
16 the record, that all procedures required by the California Environmental Quality Act (CEQA) have
17 been satisfied for the Council to consider the approval the Site Map and designation of the “business
18 center”.

19 **Section 10.** The City Clerk shall certify to the adoption of this Resolution.
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22 **PASSED, APPROVED AND ADOPTED** this ____th day of _____, 2018
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25 _____
26 Deborah Robertson, Mayor

27 ATTEST:
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BARBARA McGEE, City Clerk

APPROVED AS TO FORM:

FRED GALANTE, ESQ., City Attorney

1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF RIALTO**)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No.____ was duly passed and adopted at a regular meeting of the City Council of the City
6 of Rialto held on the ____ day of _____, 2018.

7 Upon motion of Council Member _____, seconded by Council Member
8 _____, the foregoing Resolution No. _____ was duly passed and adopted.

9 Vote on the motion:

10 AYES:

11 NOES:

12 ABSENT:

13
14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
15 Rialto this ____ day of _____, 2018.

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18 **BARBARA MCGEE, CITY CLERK**
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EXHIBIT “A”