



# City of Rialto

## Legislation Details (With Text)

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**Title:** Request City Council to Conduct a Public Hearing to consider Ordinance No. 1635, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING PORTIONS OF CHAPTER 18.102 OF THE RIALTO MUNICIPAL CODE RELATED TO OFF-SITE ADVERTISING STRUCTURES ("BILLBOARDS") AND RELOCATION AGREEMENTS", reading by title only and waiving full reading thereof. (ACTION)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Proposed Ordinance

Date	Ver.	Action By	Action	Result
2/25/2020	1	City Council		

For City Council Meeting [February 25, 2020]

TO: Honorable Mayor and City Council

APPROVAL: Rod Foster, City Manager

FROM: Matt Schneider, Community Development Director

Request City Council to Conduct a Public Hearing to consider **Ordinance No. 1635**, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING PORTIONS OF CHAPTER 18.102 OF THE RIALTO MUNICIPAL CODE RELATED TO OFF-SITE ADVERTISING STRUCTURES ("BILLBOARDS") AND RELOCATION AGREEMENTS", reading by title only and waiving full reading thereof. (ACTION)

**APPLICANT:**

City of Rialto, 150 S. Palm Avenue, Rialto, CA 92376

**BACKGROUND:**

Section 5412 of the Business and Professions Code of the State of California prohibits compelled removal or limitation of lawfully erected Billboards without payment of compensation. Rather than remove or limit existing Billboards, the State of California encourages local governments and Billboard owners to enter into Relocation Agreements to allow the relocation of existing Billboards in a planned manner without the expenditure of public funds, while allowing the continued maintenance of private investment and a medium of public communication. Furthermore, Section 5412 of the Business and Professions Code specifically authorizes cities to enter into relocation agreements on any terms agreeable to the Billboard owner and the City, and to adopt ordinances or resolutions

providing for the relocation of Billboards.

The Rialto Municipal Code currently does not contain any provisions for the relocation of existing Billboards or for the execution of Relocation Agreements between the Billboard owner and the City. Pursuant to general direction of the Economic Development Committee (EDC) meeting held on December 11, 2019, the City Attorney has prepared an Ordinance to establish provisions for the relocation of existing Billboards and the execution of Relocation Agreements between the Billboard owner and the City for the Planning Commission and City Council's review.

On January 29, 2020, the Planning Commission held a public hearing and considered oral and written testimony for the proposed Ordinance. After consideration, the Planning Commission voted 6 -0 (1 absence) to recommend approval of the Ordinance to the City Council. As a part of the action taken, the Planning Commission included a recommended amendment to the Ordinance to incorporate the Planning Commission as a recommending body within the review process for future Relocation Agreements.

#### **ANALYSIS/DISCUSSION:**

The proposed Ordinance is included as **Exhibit A** and shows the recommended textual changes to Chapter 18.102 (Regulation of Signs and Advertising Structures). Additions are shown in ***bold italics*** and deletions in ~~strikethroughs~~.

In summary, the proposed Ordinance will:

- Amend Section 18.102.060J of the Rialto Municipal Code to allow the relocation of an existing Billboard to a mutually agreeable location and zone within the City pursuant to the approval of a Relocation Agreement by the City Council; and,
- Add Section 18.102.080 to the Rialto Municipal Code establishing the content, requirements, and process for Billboard Relocation Agreements.

The proposed Ordinance will establish standards for Billboard relocations and Relocation Agreements within the Rialto Municipal Code that are consistent with policy of the State of California and the California Outdoor Advertising Act. The implementation of future Relocation Agreements, as a result of the proposed Ordinance, will provide opportunities to work with Billboard owners to reduce visual clutter, approve the aesthetic appearance of the City, provide economic opportunity for private investment of the local business community, and generate revenue for the City.

Billboards that are not subject to Billboard Relocation Agreements will continue to be permitted only within the C-3 and C-4 commercial zones and the M-1 and M-2 manufacturing zones subject to specific development standards.

#### **GENERAL PLAN CONSISTENCY:**

The proposed Ordinance will create a public review process for Billboard Relocation Agreements and reduce the visual clutter within the City. As such, it is consistent with the following City of Rialto General Plan policies:

*Guiding Principle: Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do*

*business.*

*Goal 2-13: Achieve quality aesthetic design of all signage in the City of Rialto.*

### **ENVIRONMENTAL IMPACT:**

The adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA). Pursuant to Section 15378 of the California Environmental Quality Act, a 'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A project does not include:

- Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

The Planning Division will file a Notice of Exemption with the Clerk of the Board of San Bernardino County in accordance with CEQA upon completion of the Ordinance.

### **LEGAL REVIEW:**

The City Attorney has reviewed and supports the staff report.

### **FINANCIAL IMPACT:**

#### Operating Budget Impact

The Ordinance will result in the collection of fees for the processing of Relocation Agreements and Sign Permits for relocated Billboards. Additionally, the Ordinance will create opportunities for the City to encourage Billboard owners to relocate their Billboards to City-owned properties, thereby creating additional revenue in the form of lease payments.

The City will derive lease revenue estimated at upwards of \$130,000 per year from (4) current leases. The Ordinance, if approved, could facilitate future billboard relocations onto City-owned properties, thereby further increasing lease revenue to the City. The City will record these revenues in Account No. 010-400-4255-7402

#### Capital Improvement Budget Impact

All operating and capital costs will be borne by Lamar. The Ordinance does not include any city-funded development, therefore there are no financial costs to the City associated with the Ordinance.

#### Business License

The adoption of an Ordinance does not require a business license.

### **RECOMMENDATION:**

Staff recommends that the City Council:

- Conduct a Public Hearing and adopt the attached Ordinance (**Exhibit A**) to amend portions of Chapter 18.102 (Regulation of Signs and Advertising Structures) of the Rialto Municipal Code related to Off-Site Advertising Structures ("Billboards") and Relocation Agreements.