



City of Rialto

Legislation Details (With Text)

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Title:	Zoning Code Amendment No. 2020-0001: An Ordinance 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.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Exhibit A - Proposed Ordinance, 2. Exhibit B - Draft Resolution for Recommendation of Proposed Ordinance				

Date	Ver.	Action By	Action	Result
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For the Planning Commission Meeting of January 29, 2020

TO: Honorable Chairman and Planning Commissioners
APPROVAL: Matt Schneider, Community Development Director
REVIEWED BY: Karen Peterson, Community Development Department
FROM: Daniel Casey, Senior Planner
Pam K. Lee, Assistant City Attorney

Zoning Code Amendment No. 2020-0001: An Ordinance 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.

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.

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.

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.

Billboards that are subject to Billboard Relocation Agreements will be permitted in other zones, but will be required to comply with the following requirements:

A. Content. Each Relocation Agreement shall contain, at a minimum, the following information:

1. Identification of the location of the relocated off-site advertising structure(s) and, if removal of further off-site advertising structure sign area is required, off-site advertising structure(s) being permanently removed; and
2. Conceptual design drawings for the off-site advertising structure(s), including, but not limited to, sign area and dimensions, materials, and colors.

B. Review Process. All Relocation Agreements shall be reviewed and approved by the City Council. The following findings must be made by the City Council in order to approve a Relocation Agreement:

1. The proposed agreement is consistent with the goals, objectives, and purposes of the City of Rialto.
2. The proposed relocation site is compatible with the uses and structures on the site and in the surrounding area.

3. The proposed Relocation Agreement contributes to the reduction of visual clutter in the City by one of the following methods:
 - a. Decreasing the number of existing off-site advertising structures;
 - b. Reducing the total advertising square footage within the City;
 - c. Promoting activities of City-wide benefit and interest or generates significant revenue for the City; or,
 - d. In the case of relocations to accommodate a public project, the agreement serves the public interest by eliminating the need for public fund expenditure.
 4. The proposed off-site advertising structure would not create a traffic or safety problem with regard to onsite access circulation or visibility.
 5. The proposed off-site advertising structure would not interfere with onsite parking or landscaping required by City ordinance or permit.
 6. The proposed off-site advertising structure would not otherwise result in a threat to the general health, safety, and welfare of City residents.
- C. Status of Existing Off-site Advertising Structure. Only off-site advertising structures that comply with the City's municipal code or that are legal non-conforming outdoor advertising displays as of the date of adoption of this Section are eligible to be relocated pursuant to a Relocation Agreement.
- D. Placement of Relocated Off-site Advertising Structure. Relocated off-site advertising structures may be located in zoning districts as determined on a case by case basis through the Relocation Agreement process.
- E. Permits Required. Subsequent to the approval of a Relocation Agreement by the City Council, the off-site advertising structure and/or property owner shall file an application for a Sign Permit to relocate or reconstruct the off-site advertising sign structures as authorized by the Relocation Agreement, pursuant to the provisions of Section 18.102.040.
- F. Non-Conforming Off-site Advertising Structure. Any non-conforming outdoor advertising display relocated or reconstructed pursuant to an approved Relocation Agreement shall no longer be considered non-conforming for purposes of this Code."

The proposed Ordinance will establish standards for Billboard relocations and Relocation Agreements within the Rialto Municipal Code that is 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.

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.

PUBLIC NOTICE:

The City published a public hearing notice for proposed Ordinance in the *San Bernardino Sun* newspaper and posted a copy of the public hearing notice outside the Council Chambers, as required by State law.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission:

- Adopt the attached Resolution (**Exhibit B**) forwarding to the City Council a recommendation to approve the proposed Ordinance 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.