



City of Rialto

Legislation Text

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For City Council Meeting [November 27, 2018]

TO: Honorable Mayor and Council

APPROVAL: Ahmad R. Ansari P.E., Interim City Administrator

FROM: Robb R. Steel, Assistant CA/Development Services Director

Request City Council to Adopt **Resolution No. 7413** Designating the Boundaries of a Business Center pursuant to Business and Professions Code Section 5274 for the proposed freeway sign on property owned by Thrifty Oil Company situated on the west side of Riverside Avenue north of the 10 Freeway in the Gateway Specific Plan.

(ACTION)

BACKGROUND:

Thrifty Oil Company (TOC) proposes to install a 100-foot tall freeway-oriented multi-tenant freestanding sign ("Sign") with an electronic message board on its 0.27 acre parcel located on the west side of Riverside Avenue north of the 10 Freeway (Assessor Parcel Number 0132-131-13) ("Site").

TOC intends to allow retailers and restaurants within the boundaries of the Gateway Specific Plan to advertise their business and products. Some of the existing and future retailers and property owners along Riverside Avenue have expressed interest.

In addition, Conditional Development Permit Resolution Number 2018-0004 (as approved by the Planning Commission and discussed below) allows the City to advertise public events on the electronic message board for one time slot within each advertising loop at no cost to the City. A Memorandum of Understanding between the City and the TOC is required to memorialize the allotment prior to building permit issuance.

The Sign includes a 672 square foot electronic message board and five 65.3 square foot single tenant sign panels, for a total sign area of 998.5 square feet. The area between the electronic message board and the tenant panels includes the words "Rialto Gateway" to identify the area to passersby's on the 10 Freeway. The site map and the sign plan are attached hereto as **Exhibit A** and **Exhibit B** respectively.

On February 28, 2018, the Planning Commission approved Conditional Development Permit Resolution Number 2018-0004 approving the Sign (**Exhibit C**). The approval offers businesses located within the Gateway Specific Plan an opportunity to lease one of the static tenant panels to display their business name, and/or to display a static image on the electronic message board to advertise their business or the products sold by the business. The approval prohibits the advertisement of alcohol, tobacco, illicit drugs, marijuana, and adult uses on the sign.

On October 29, 2018, the Economic Development Committee recommended approval of the proposed boundaries of the Business Center to erect the Sign.

ANALYSIS/DISCUSSION:

California Business and Professions Code (BPC) Section 5200 and Code of Regulations Section 2240 (“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.

BPC Section 5274 permits an on-premises advertising display that is visible from an interstate or primary highway and located within a **business center** 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

BPC Section 5490 specifies that an “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, created, intended, or engineered to have a useful life of 15 years and intended or used to advertise, or to provide data or information in the nature of advertising, for any of the following purposes:

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

Staff prepared a resolution (**Exhibit D**) designating the boundaries of a business center

encompassing the commercial and retail areas of the Gateway Specific Plan between San Bernardino Avenue and the 10 Freeway, between Willow Avenue and Sycamore Avenue. The resolution finds that the Sign Project meets the requirements of BPC Section 5274 as follows:

- The site map attached hereto as **Exhibit “E”** (“Site Map”) designates the boundaries of the Gateway Specific Plan Business Center (collectively “Business Center”) in compliance with the Outdoor Advertising Act. The City currently zones the business center area for regional freeway commercial purposes.
- TOC will identify the Sign as the Rialto Gateway Business Center with the City of Rialto also identified.
- Each business identified on the Sign will be located within the Business Center and on the same side of the 10 Freeway, which is on the north side on the freeway.
- The Sign complies with Rialto Municipal Code Section 18.102.060(K) (RMC). The RMC allows a multi-tenant freeway-oriented business sign along the north side of the Interstate 10 freeway within the Rialto Gateway Specific Plan area to be visible by the motoring public traveling in both directions along the freeway. The RMC further requires that the Planning Commission approve the design and location of the freeway sign. On February 28, 2018, the Planning Commission approved Conditional Development Permit 2018-0004 related to the Sign design and location.
- The Sign consolidates multiple requests for displays in the Business Center and implements the regional freeway commercial goals of the Gateway Specific Plan. Staff anticipates the Sign will satisfy the freeway oriented display requirements of the businesses in the Business Center without the need to erect a second freeway sign. The Sign will not interfere with any existing signage along the freeway.
- The Sign will not cause a reduction of federal aid highway funds since the Sign users within the Business Center and TOC are responsible for maintenance and repair costs.

Interference of Existing Freeway Sign

On September 25, 2018, the City Council considered the Designating the Boundaries of a Business Center for the sign. The City Council requested staff to contact Lamar Advertising if the proposed sign interferes with Lamar’s current sign located west of the proposed sign along the 10 Freeway.

In October, staff had a phone meeting with Brian Smith with Lamar. Mr. Smith reviewed the proposed sign map and design. He had no concerns the proposed sign will block Lamar’s existing sign.

Mr. Smith suggested that TOC contact the California Department of Transportation to ensure compliance with the Outdoor Advertising Act and the recent enactment of Assembly Bill 3168. Conditional Development Permit Resolution Number 2018-0004 includes Condition #6 requiring TOC to comply with the Outdoor Advertising Act and Condition #13 requiring TOC to obtain approvals and permits including from the City and the State of California.

Attached is a map that shows both the proposed sign location and Lamar's existing sign location as **Exhibit F** and Assembly Bill 3168 as **Exhibit G**.

ENVIRONMENTAL IMPACT:

The action is an administrative activity of the City Council and is not defined as a Project under the California Environmental Quality Act (CEQA) pursuant to Section 15378 of CEQA. 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.

GENERAL PLAN CONSISTENCY

The City of Rialto has identified several goals and objectives within the City's recently adopted General Plan through which the City looks to improve the community.

Goal 3-1: Strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate.

Goal 3-3: Attract, expand, and retain commercial and industrial businesses to reduce blighted conditions and encourage job growth.

LEGAL REVIEW:

The City Attorney has reviewed and approved the staff report and Resolution.

FINANCIAL IMPACT:

Operating Budget Impact

The approval of the resolution has no impact to the Operating Budget. The City may display public events on the Sign Project at no cost.

Capital Budget Impact

The action has no Capital Budget Impact.

RECOMMENDATION:

Staff recommends that the City Council Adopt a Resolution designating the boundaries of a Business Center pursuant to Business and Professions Code Section 5274 for the proposed freeway sign on property owned by Thrifty Oil Company situated on the west side of Riverside Avenue and north of the 10 Freeway in the Gateway Specific Plan area.