

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

April 27, 2009

SUBJECT: Ordinance 348.4641 regarding Outdoor Advertising Displays

SECTION: Development Review – Riverside Office

TO: Clerk of the Board of Supervisors

FROM: Planning Department

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Approve | <input checked="" type="checkbox"/> Set for Hearing |
| <input type="checkbox"/> Deny | <input checked="" type="checkbox"/> Publish in Newspaper: Press Enterprise, County Record, Californian, and Desert Sun. |
| <input type="checkbox"/> Place on Policy Calendar | <input checked="" type="checkbox"/> Exempt from CEQA |
| <input type="checkbox"/> Place on Consent Calendar | <input checked="" type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Administrative Action | <input type="checkbox"/> Certify Environmental Impact Report |
| <input type="checkbox"/> Place on Section of Initiation Proceeding | <input type="checkbox"/> Notify Property Owners |
| <input type="checkbox"/> File: NOD and Mit. Neg. Declaration | <input type="checkbox"/> Labels provided |
| <input type="checkbox"/> Labels provided: | Controversial: <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <input type="checkbox"/> If Set For Hearing: | |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | |

FILE COPY

Clerk Of The Board

BOS Sent
4/28/09
RB

Documents to be sent to County Clerk's Office for Posting:

NOE

Revised: 04/27/09

Y:\Planning Master Forms\Templates\BOS Forms\11p coversheet.doc

Riverside Office · 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

RA
4.27.09

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: TLMA - Planning Department

SUBMITTAL DATE:
April 27, 2009

SUBJECT: Ordinance No. 348.4641, an Ordinance of the County of Riverside amending Sections 19.2 and 19.3 of Ordinance 348 regarding Outdoor Advertising Displays.

RECOMMENDED MOTION:

1. That the Board of Supervisors adopt Ordinance amendment No. 348.4641 as recommended by the Planning Commission; and
2. That the Board of Supervisors find the adoption of Ordinance No. 348.4641 is exempt from CEQA pursuant to CEQA Guidelines Section 15301 since the amendment to the ordinance results in minor alterations to existing facilities that involve negligible or no expansion of use beyond that existing at the time of the lead agency' determination and/or CEQA Guidelines Section 15302 because the height adjustment of the existing outdoor advertising displays will only consist of the replacement or reconstruction of existing outdoor advertising displays where the new structure will be located on the same site as the structure replaced and will have the same purpose and capacity as the structure replaced.
3. Further, that the Board of Supervisors direct the Planning Department to file the Notice of Exemption with the County Clerk for filing and posting.

BACKGROUND:

Ordinance 348.4641 is a proposal to amend Sections 19.2 and 19.3 of Article XIX of Ordinance 348 regarding Outdoor Advertising Displays. This amendment allows the owner of an existing display, that complied with all applicable federal, state, and local laws, rules and regulations in effect at the time the display was erected, to apply for a height adjustment if the outdoor advertising display is (1) oriented towards a freeway, (2) within one hundred (100) feet of the nearest edge of the freeway right of way line, and (3) is blocked by a sound wall built by the California Department of Transportation constructed after the outdoor advertising display was fully constructed. This amendment only allows for a height adjustment when all height

Ron Goldman
Planning Director

RG:LR

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* DATE: 4/27/09
TIFANY(N. NORTH)

DATE

Tina Grande
Departmental Concurrence

Dep't Recomm.:	<input type="checkbox"/> Consent	<input type="checkbox"/> Policy
Per Exec. Ofc.:	<input type="checkbox"/> Consent	<input type="checkbox"/> Policy

The Honorable Board of Supervisors

RE: Ordinance No. 348.4641, an Ordinance of the County of Riverside amending Sections 19.2 and 19.3 of Ordinance 348 regarding Outdoor Advertising Displays.

April 27, 2009

Page 2 of 2

adjustment standards set forth in the amendment are met. Under the amendment, a height adjustment is not permitted in any other circumstance. If all standards set forth in the amendment are met, a height adjustment shall be granted but the maximum height adjustment shall be no more than what is required to make the display face of the outdoor advertising display completely visible and in no event shall the maximum height exceed forty (40) feet from the roadbed of the adjacent freeway to which the outdoor advertising display is oriented, or a maximum height of forty (40) feet from the grade on which it is constructed, whichever is greater.

This proposed amendment was initiated by item 3.1 on the March 25, 2008 Board of Supervisors agenda directing the Planning Department to create an "amendment to Ordinance 348 establishing a procedure that would allow the height of existing outdoor advertising displays to be increased when sound walls have obstructed their visibility."

Ordinance 348.4641 was approved by the Planning Commission on April 15, 2009 and recommended for adoption by the Board of Supervisors based upon the findings and conclusions in the Planning Department Staff Report attached hereto and incorporated herein by reference.

1 accompanied by the filing fee set forth in Ordinance No. 671. The
2 Planning Director shall, within forty-five (45) days of the filing of a
3 complete height adjustment application, approve the height adjustment if
4 the height adjustment standards set forth in subsection d. are met;
5 otherwise, the height adjustment shall be denied.”

6 Section 6. A new subsection d. is added to Section 19.3 of Ordinance No. 348 to read
7 as follows:

- 8 “d. HEIGHT ADJUSTMENT STANDARDS. A height adjustment in excess
9 of the maximum height authorized under this ordinance shall be approved
10 if all of the following height adjustment standards are met:
- 11 (1) The outdoor advertising display is oriented towards a freeway;
 - 12 (2) The outdoor advertising display is within one hundred (100) feet of
13 the nearest edge of a freeway right of way line;
 - 14 (3) A noise attenuation barrier was fully constructed between the
15 outdoor advertising display and the edge of the freeway after the
16 outdoor advertising display was fully constructed;
 - 17 (4) A line of sight study shows that the noise attenuation barrier
18 prevents the display face of the outdoor advertising display from
19 being completely visible to vehicles in one or more approaching
20 freeway traffic lanes that are six hundred and sixty (660) feet from
21 the outdoor advertising display. Six hundred and sixty (660) feet
22 shall be measured from the middle of the display face to the middle
23 of each approaching freeway traffic lane. The line of sight study
24 shall be prepared at the owner’s expense in accordance with the
25 Planning Department’s line of sight study protocol;
 - 26 (5) The maximum height adjustment shall be no more than what is
27 required to make the display face of the outdoor advertising
28

1 display completely visible to vehicles in all approaching freeway
2 traffic lanes that are within six hundred and sixty (660) feet of the
3 display as shown by the line of sight study. In no event, however,
4 shall the maximum height of an outdoor advertising display
5 adjusted under this section exceed a height of forty (40) feet from
6 the roadbed of the adjacent freeway to which the outdoor
7 advertising display is oriented, or a maximum height of forty (40)
8 feet from the grade on which it is constructed, whichever is
9 greater;

- 10 (6) The outdoor advertising display is not an illegal outdoor
11 advertising display;
- 12 (7) The owner of any outdoor advertising display that obtains a height
13 adjustment pursuant to this section shall also obtain a building
14 permit from the Department of Building & Safety before
15 increasing the height of the outdoor advertising display;
- 16 (8) Other than the increase in height, nothing in this section shall be
17 deemed to allow the relocation or enlargement of an existing
18 outdoor advertising display. Nor shall this section be deemed to
19 allow the angle of orientation of the outdoor advertising display to
20 be altered or to allow an increase in the number of display faces on
21 the existing outdoor advertising display.”

22 Section 7. Existing subsections c., d., e., and f. of Section 19.3 of Ordinance No. 348
23 are relettered subsections e., f., g., and h. respectively.

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Section 8. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman

ATTEST:

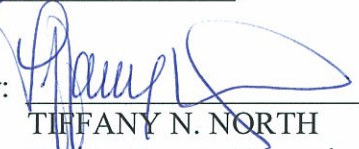
CLERK OF THE BOARD

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM

April 27, 2009

By: 
TIFFANY N. NORTH
Deputy County Counsel

TNN:mdk
033009
G:\Property\TNorth\RCO No 348\Billboards Height Amend final.033009doc.doc

Agenda Item No.: 7.1
Area Plan: All
Supervisorial District: All
Project Planner: Larry Ross
Planning Commission: April 15, 2009

Ordinance Amendment No. 348.4641
E.A./EIR Number: Exempt
Applicant: County of Riverside

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Ordinance 348.4641 is a proposal to amend Sections 19.2 and 19.3 of Article XIX of Ordinance 348 regarding Outdoor Advertising Displays. This amendment allows the owner of an existing display, that complied with all applicable federal, state, and local laws, rules and regulations in effect at the time the display was erected, to apply for a height adjustment if the outdoor advertising display is (1) oriented towards a freeway, (2) within one hundred (100) feet of the nearest edge of the freeway right of way line, and (3) is blocked by a sound wall built by the California Department of Transportation constructed after the outdoor advertising display was fully constructed. This amendment only allows for a height adjustment when all height adjustment standards set forth in the amendment are met. Under the amendment, a height adjustment is not permitted in any other circumstance. If all standards set forth in the amendment are met, a height adjustment shall be granted but the maximum height adjustment shall be no more than what is required to make the display face of the outdoor advertising display completely visible and in no event shall the maximum height exceed forty (40) feet.

This proposed amendment applies to all the unincorporated areas of the County of Riverside.

BACKGROUND

Ordinance 348.4641 was drafted at the request of the Board of Supervisors. The following is from the Board of Supervisors directive to prepare this amendment:

A sound wall constructed by CALTRANS has obstructed the visibility of several existing outdoor advertising displays located adjacent to the 60 Freeway. Ordinance No. 348 sets fourth maximum height limits for outdoor advertising displays. There is currently no procedure in the ordinance that would allow the height of these obstructed displays to be increased. The Outdoor Advertizing Act expressly provides that when CALTRANS has permitted an outdoor advertising display, it may allow the display to be increased in height at its permitted location...if a noise attenuation barrier is erected in front of the display." (Business and Professional Code section 5443(b)). Nothing prohibits the County from allowing a similar height increase when it is the permitting agency, as said action is discretionary on part of the County. The California Supreme Court has determined that government agencies are not required to allow the height of outdoor advertising displays to be increased when their visibility has been obstructed. Instead, such agencies retain their full discretion to deny a height increase without having to pay compensation or provide for relocation. (Regency Outdoor Advertising, Inc. v. City of Los Angeles (2006) 39 Cal. 4th 507, 527.) Fairness concerns, however, favor the allowance of height increases.

ISSUES OF POTENTIAL CONCERN:

None. No increase in the size, capacity, purpose, or orientation of the existing outdoor advertising display will occur. Nor is relocation or enlargement of the existing outdoor advertising displays allowed under the ordinance amendment. The intent is to merely re-establish the visual appearance of the display face of an outdoor advertising display as was able to be observed prior to the construction of a sound wall by CALTRANS.

RECOMMENDATION:

APPROVAL of Ordinance 348.4641, based upon the findings and conclusions incorporated in the staff report.

CONCLUSIONS:

1. The proposed ordinance amendment is in conformance with the Land Use Designations of the unincorporated areas of Riverside County and with all other elements of the Riverside County General Plan.
2. The proposed ordinance amendment is consistent with the zoning classifications of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through this ordinance amendment.
4. The Planning Department has found that the project is exempt from the provisions of CEQA based on Sections 15301 and 15302 of the State CEQA Guidelines.

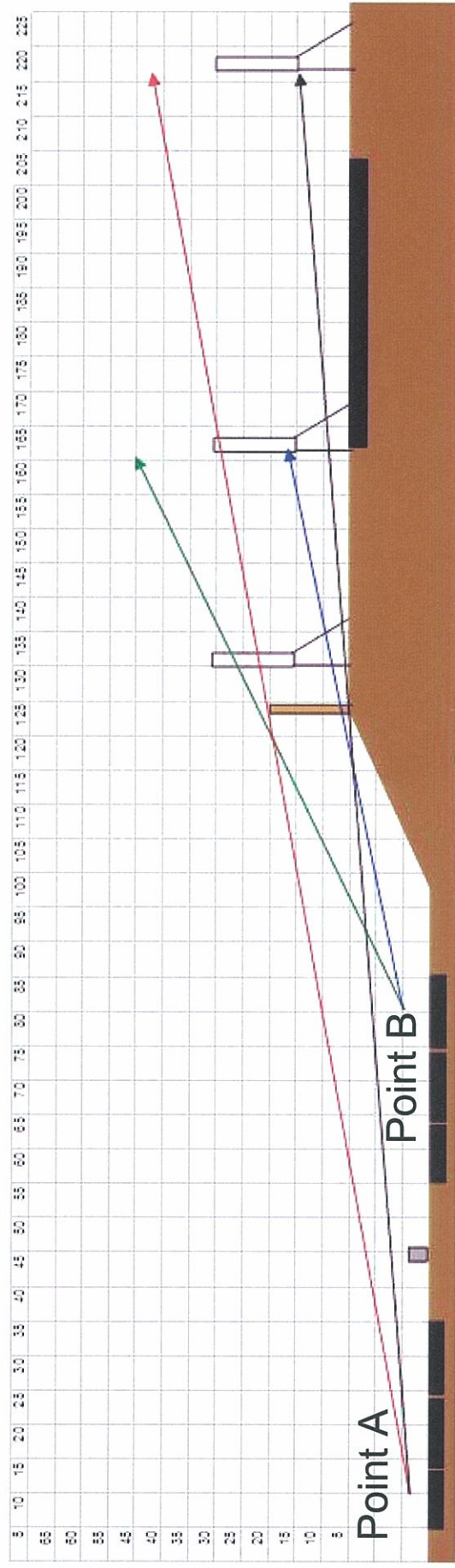
FINDINGS: The following findings are in addition to those incorporated in the summary of findings which is incorporated herein by reference.

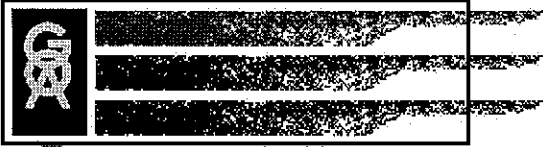
1. The proposed amendment applies to all areas within the unincorporated area of Riverside County.
2. The proposed amendment applies to existing outdoor advertising displays that complied with all applicable federal, state and local laws, rules and regulations in effect at the time it was erected.
3. A height adjustment is considered only if: (1) the outdoor advertising display is oriented towards a freeway, (2) the outdoor advertising display is within one hundred (100) feet of the nearest edge of a freeway right of way line, and (3) the outdoor advertising display is blocked by a sound wall built by the California Department of Transportation that was constructed after the outdoor advertising display was fully constructed.
4. A line of sight study is required to show that the sound wall prevents the display face of the outdoor advertising display from being completely visible as well as to ensure that the height adjustment is no greater than what is required to make the display face of the outdoor advertising display completely visible to vehicles in all approaching freeway traffic lanes within six hundred and sixty (660) feet of the outdoor advertising display as shown by the line of sight study.
5. In no event can the maximum height of a height adjusted outdoor advertising display exceed a height of forty (40) feet measured from the nearest grade or roadbed, whichever is greater.
6. The proposed amendment only allows for the minor alteration of legally permitted existing outdoor advertising displays. It is a negligible expansion of the use in height because it restores the use to its prior condition before the construction of the sound wall.
7. Height adjustments of existing outdoor advertising displays will consist of replacement or reconstruction of existing outdoor advertising displays that will be located on the same site and

wile have the exact same display face size, purpose, angle of orientation and capacity as the existing display.

8. The proposed amendment will have a neutral impact and will not adversely impact the environmental settings of the County.
 - (1) The proposed amendment will not cause any unusual circumstances to significantly impact the environment or have negative cumulative impacts on the environment.
 - (2) The proposed amendment will not cause any adverse changes to the historical resources and undisturbed areas.
 - (3) The proposed amendment will not cause any adverse changes to scenic resources.

Example of Caltrans sound wall impact on existing billboards





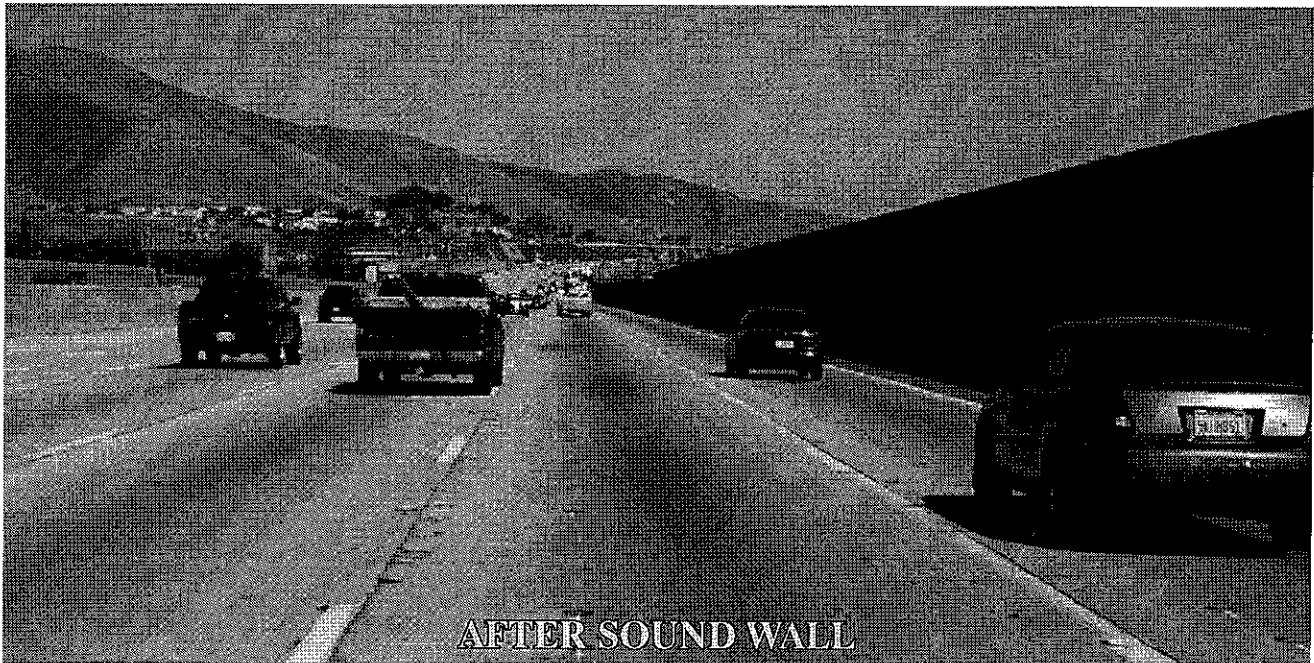
www.general-outdoor.com
632 S. HOPE AVE., ONTARIO, CALIFORNIA 91761-1823
(909) 983-4414 • FAX (909) 983-7579

General Outdoor Advertising

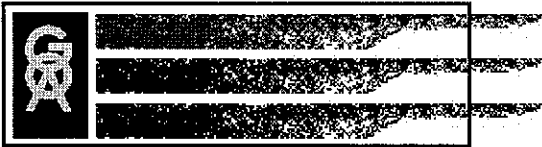
**60 FREEWAY • SOUTH LINE • EAST OF COUNTRY VILLAGE
RIVERSIDE COUNTY / MIRA LOMA WEST FACE**



BEFORE SOUND WALL



AFTER SOUND WALL



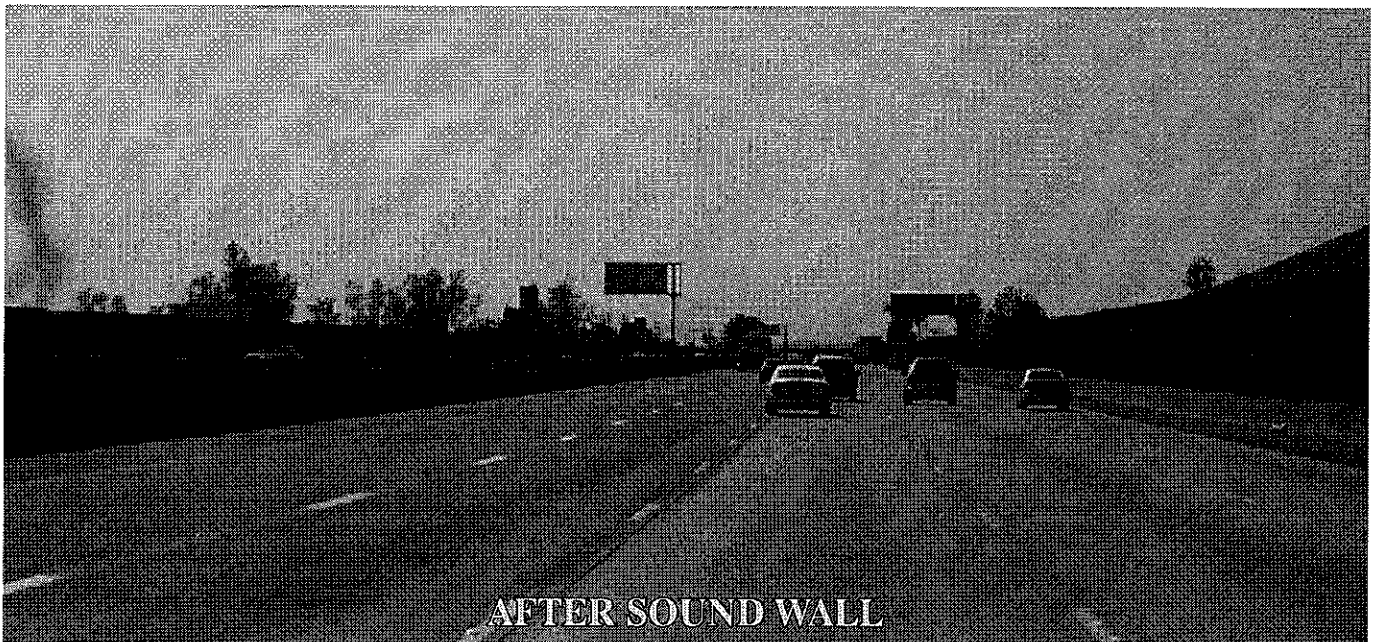
www.general-outdoor.com
632 S. HOPE AVE., ONTARIO, CALIFORNIA 91761-1823
(909) 983-4414 • FAX (909) 983-7579

General Outdoor Advertising

**60 FREEWAY • SOUTH LINE • EAST OF COUNTRY VILLAGE
RIVERSIDE COUNTY / MIRA LOMA EAST FACE**



BEFORE SOUND WALL



AFTER SOUND WALL

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



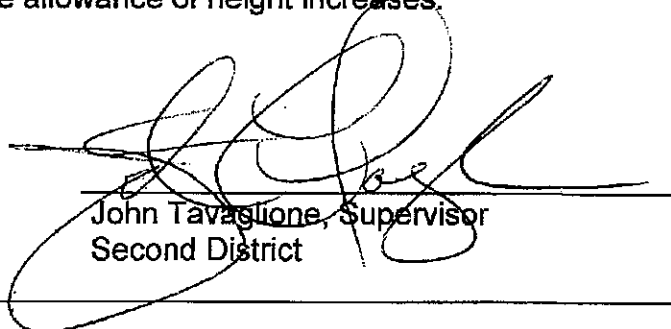
FROM: Supervisor John Tavaglione

SUBMITTAL DATE: March 25, 2008

SUBJECT: Amendment to Ordinance No. 348 establishing a procedure that would allow the height of existing outdoor advertising displays to be increased when sound walls have obstructed their visibility.

RECOMMENDED MOTION: That the Board of Supervisors direct the Planning Department and County Counsel to prepare and process the above-referenced amendments to Ordinance No. 348.

BACKGROUND: A sound wall constructed by CALTRANS has obstructed the visibility of several existing outdoor advertising displays located adjacent to the 60 Freeway. Ordinance No. 348 sets forth maximum height limits for outdoor advertising displays. There is currently no procedure in the ordinance that would allow the height of these obstructed displays to be increased. The Outdoor Advertising Act expressly provides that when CALTRANS has permitted an outdoor advertising display, it may allow the "display to be increased in height at its permitted location if a noise attenuation barrier is erected in front of the display." (Business and Professions Code section 5443(b)). Nothing prohibits the County from allowing a similar height increase when it is the permitting agency, as said action is discretionary on part of the County. The California Supreme Court has determined that government agencies are not required to allow the height of outdoor advertising displays to be increased when their visibility has been obstructed. Instead, such agencies retain their full discretion to deny a height increase without having to pay compensation or provide for relocation. (*Regency Outdoor Advertising, Inc. v. City of Los Angeles* (2006) 39 Cal. 4th 507, 527.) Fairness concerns, however, favor the allowance of height increases.



John Tavaglione, Supervisor
Second District

NOTICE OF PUBLIC HEARING

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider the project shown below:

Ordinance 348.4641 – CEQA Exempt – The ordinance is a proposal to amend Sections 19.2 and 19.3 of Article XIX of Ordinance 348 regarding Outdoor Advertising Displays. This amendment allows the owner of an existing display, that complied with all applicable federal, state, and local laws, rules and regulations in effect at the time the display was erected, to apply for a height adjustment if the outdoor advertising display is (1) oriented towards a freeway, (2) within one hundred (100) feet of the nearest edge of the freeway right of way line, and (3) is blocked by a sound wall built by the California Department of Transportation constructed after the outdoor advertising display was fully constructed. This amendment only allows for a height adjustment when all height adjustment standards set forth in the amendment are met. Under the amendment, a height adjustment is not permitted in any other circumstance. If all standards set forth in the amendment are met, a height adjustment shall be granted but the maximum height adjustment shall be no more than what is required to make the display face of the outdoor advertising display completely visible and in no event shall the maximum height exceed forty (40) feet. (Legislative)

This proposed amendment applies to all the unincorporated areas of the County of Riverside.

TIME OF HEARING: 1:30 p.m. or as soon as possible thereafter.
DATE OF HEARING: April 15, 2009
PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER
BOARD CHAMBERS, 1ST FLOOR
4080 LEMON STREET
RIVERSIDE, CA 92501

For further information regarding this project, please contact Larry Ross, Project Planner at 951-955-3585 or e-mail lross@rctlma.org, or go to the County Planning Department's Planning Commission agenda web page at www.tlma.co.riverside.ca.us/planning/pc.html

The Riverside County Planning Department has determined that the above-described application is exempt from the provisions of the California Environmental Quality Act (CEQA). The Planning Commission will consider the proposed application at the public hearing.

The case file for the proposed project may be viewed Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Planning Department office, located at 4080 Lemon St. 9th Floor, Riverside, CA 92501.

Any person wishing to comment on the proposed project may do so in writing between the date of this notice and the public hearing; or, may appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:
RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Larry Ross
P.O. Box 1409, Riverside, CA 92502-1409

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR) P.O. Box 3044
Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 9th Floor
P. O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: Ordinance No. 348.4641

Project Location: In the unincorporated area of Riverside County, more specifically located Countywide

Project Description: Ordinance 348.4641 is a proposal to amend Sections 19.2 and 19.3 of Article XIX of Ordinance 348 regarding Outdoor Advertising Displays. This amendment allows the owner of an existing display, that complied with all applicable federal, state, and local laws, rules and regulations in effect at the time the display was erected, to apply for a height adjustment if the outdoor advertising display is (1) oriented towards a freeway, (2) within one hundred (100) feet of the nearest edge of the freeway right of way line, and (3) is blocked by a sound wall built by the California Department of Transportation constructed after the outdoor advertising display was fully constructed. This amendment only allows for a height adjustment when all height adjustment standards set forth in the amendment are met. Under the amendment, a height adjustment is not permitted in any other circumstance. If all standards set forth in the amendment are met, a height adjustment shall be granted but the maximum height adjustment shall be no more than what is required to make the display face of the outdoor advertising display completely visible and in no event shall the maximum height exceed forty (40) feet.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Sponsor: Riverside County Planning Department

Exempt Status: (Check one)

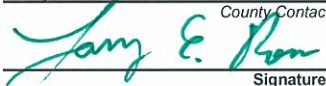
- Ministerial (Sec. 21080(b)(1); 15268) Categorical Exemption (15301, 15302)
 Declared Emergency (Sec. 21080(b)(3); 15269(a)) Statutory Exemption ()
 Emergency Project (Sec. 21080(b)(4); 15269 (b)(c)) Other: _____

Reasons why project is exempt: Section 15301 states in pertinent part "Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographic features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." Ordinance 348.4641 only allows for the minor alteration of legally permitted existing outdoor advertising displays to be height adjusted when all standards set forth in the ordinance are met. Any height adjustment will only be as high as necessary to achieve the same degree of visibility of the display face as it was seen prior to construction of the sound wall, and in no event will the maximum height of an outdoor advertising display exceed forty (40) feet. Therefore, it is a negligible expansion of the use in height because it restores the use to its prior condition before the construction of the sound wall, and this only applies to legally permitted existing facilities., no new applications would benefit from this ordinance. Ordinance 348.4641 is also exempt from CEQA under Section 15302 because the height adjustment of the existing outdoor advertising displays will only consist of replacement or reconstruction of an existing outdoor advertising displays that will be located on the same site as the existing display and will have the exact same display face size, purpose, angle of orientation and capacity as the existing display.

Larry E. Ross 951-955-3585

County Contact Person

Phone Number


Signature

Principal Planner
Title

March 24, 2009
Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case#: ZEA ZCFG

FOR COUNTY CLERK'S USE ONLY