

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

522B



**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  
DATE 4/27/09  
BY: TIF FANYN, NORTH

DATE 4/29/09  
Tina Grande  
Departmental Concurrence

Policy  
 Policy  
 Consent  
 Consent  
 Dept't Recomm.:  
 Per Exec. Ofc.:

348.4641  
ADVERTISING DISPLAYS



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

25 ///  
26 ///  
27 ///  
28 ///



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 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 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.

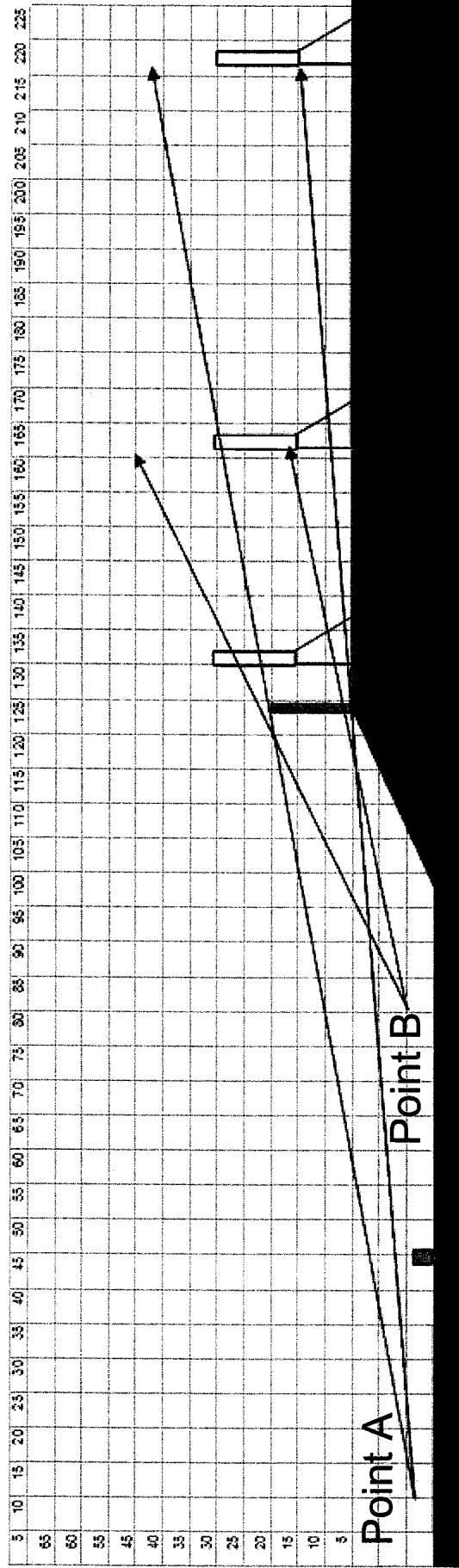
**FINDINGS:** The following findings are in addition to those incorporated in the summary of findings which is incorporated herein by reference.

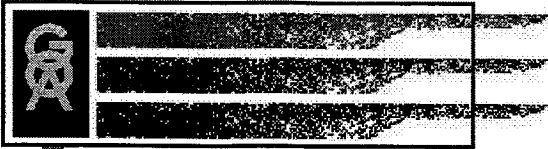
1. The proposed amendment applies to all areas within the unincorporated area of Riverside County.
2. The proposed amendment applies to existing outdoor advertising displays that complied with all applicable federal, state and local laws, rules and regulations in effect at the time it was erected.
3. 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

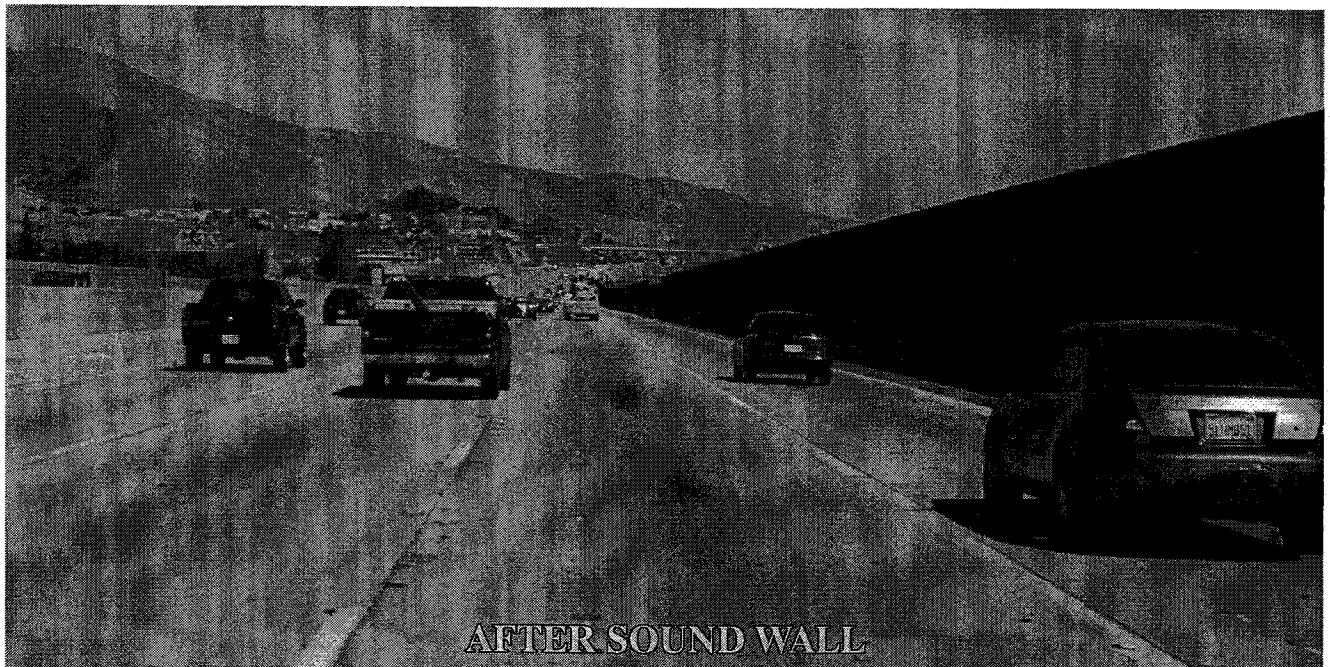
632 S. HOPE AVE., ONTARIO, CALIFORNIA 91761-1823  
(909) 983-4414 • FAX (909) 983-7579

*General Outdoor Advertising*

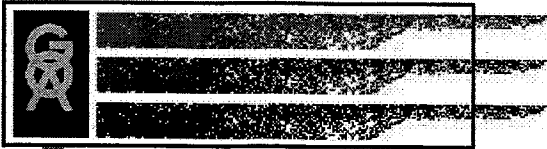
**60 FREEWAY • SOUTH LINE • EAST OF COUNTRY VILLAGE  
RIVERSIDE COUNTY / MIRA LOMA WEST FACE**



BEFORE SOUND WALL



AFTER SOUND WALL

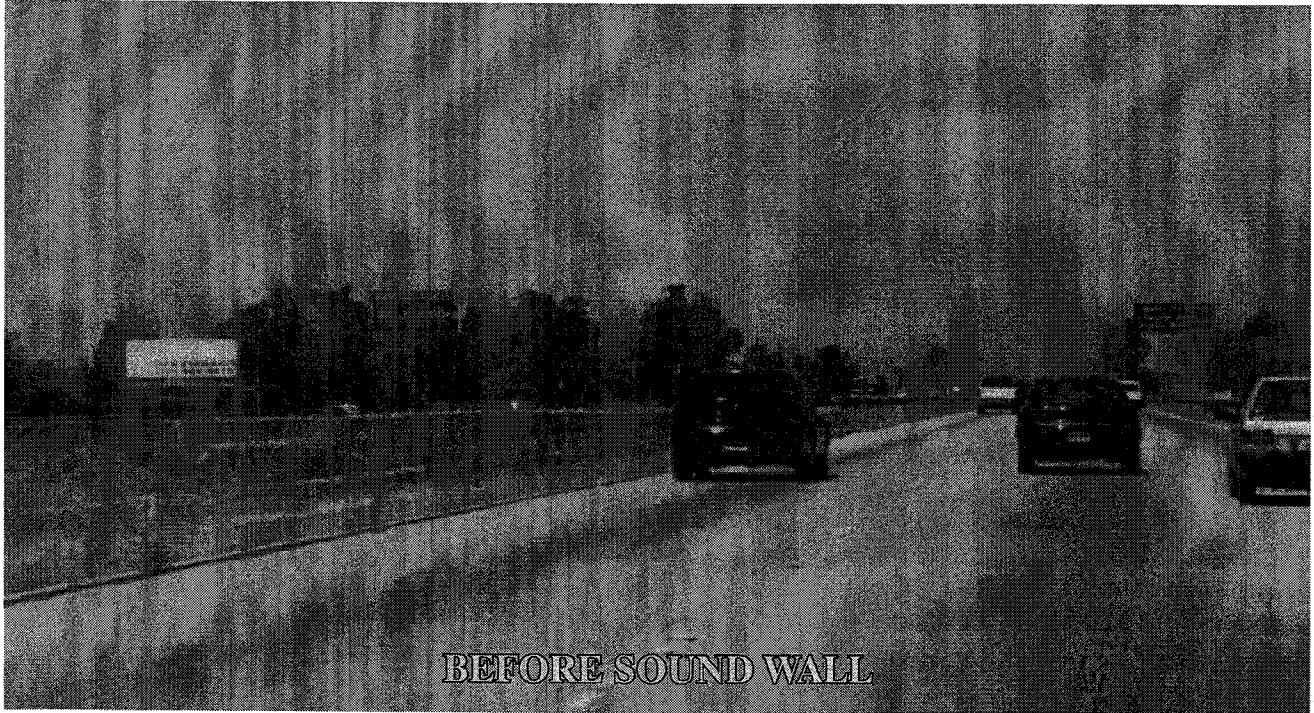


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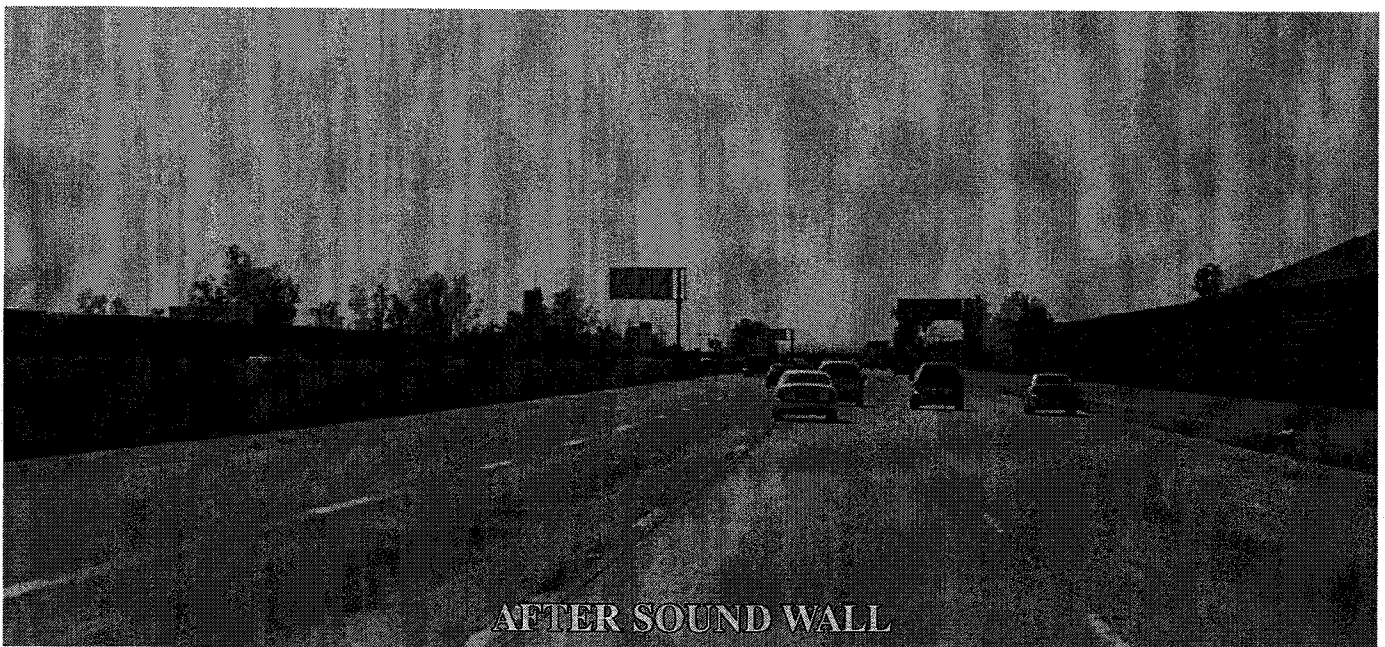
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**60 FREEWAY • SOUTH LINE • EAST OF COUNTRY VILLAGE  
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BEFORE SOUND WALL



AFTER SOUND WALL

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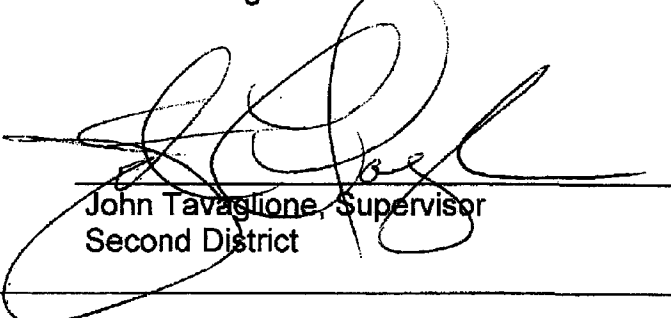
**FROM:** Supervisor John Tavaglione

**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. 4<sup>th</sup> 507, 527.) Fairness concerns, however, favor the allowance of height increases.

  
John Tavaglione, Supervisor  
Second District

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

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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.