

**ORDINANCE NO. 2016-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA  
AMENDING SECTION 88.38.040(D) AND ADDING SECTION 88.38.085  
TO THE AZUSA MUNICIPAL CODE (DEVELOPMENT CODE) TO  
AUTHORIZE BILLBOARD RELOCATION AGREEMENTS**

**WHEREAS**, pursuant to article XI, section 7, of the California Constitution, the City of Azusa (“City”) may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the City currently has a number of off-premises signs (Billboards) throughout the City, both along freeways as well as interior corridors of the City; and

**WHEREAS**, City has, consistent with the California Outdoor Advertising Act (California Business & Professions Code, Section 5200 et seq.), adopted certain regulations, including Section 88.38.040 of the Azusa Municipal Code to prohibit the installation of new off-site signs (Billboards) in the City; and

**WHEREAS**, the California Outdoor Advertising Act generally provides that compensation must be paid to Billboard owners for the removal, abatement or limitation of the customary maintenance, use or repair of certain lawfully erected nonconforming Billboards; and

**WHEREAS**, construction of new billboards is prohibited along highways designated as Landscaped Freeways with certain exceptions, including the construction of relocated billboards pursuant to California Business & Professions Code, Section 5443.5 or the construction of new billboards along portions of Landscaped Freeways that have been declassified; and

**WHEREAS**, the City Council wishes to provide opportunities for the construction of relocated billboards pursuant to the terms of this ordinance; and

**WHEREAS**, Business and Professions Code section 5412 specifically empowers a city to enter into relocation agreements on whatever terms are agreeable to an outdoor advertising display owner and the city as a means of eliminating the need to pay compensation for their removal from areas of the city and other view corridors that lead into the City that may be inappropriate; and

**WHEREAS**, Business and Professions Code section 5412 further empowers a city to adopt ordinances or resolutions providing for the relocation of Billboards upon terms that are acceptable to the City; and

**WHEREAS**, technology has also allowed for the modernization of advertising medium by way of the creation of digital or electronic messaging, which have been utilized by advertising companies throughout the nation; and

**WHEREAS**, the City recognizes that Billboards are a valuable advertising tool, but without proper design, placement and maintenance may unduly distract, create traffic hazards and negative visual, lighting and glare impacts; and

**WHEREAS**, allowing the construction of relocated Billboards to more appropriate locations within the City provides a greater opportunity for businesses in Azusa to advertise to larger audiences and promote economic growth in Azusa and the region; and

**WHEREAS**, allowing the relocation of existing Billboards also allows the City to direct placement of Billboards into areas that are more aesthetically appropriate, create fewer visual and glare impacts and are less obtrusive to the City's residents; and

**WHEREAS**, the City desires to establish a framework for the consideration of Billboard Relocation Agreements within the City of Azusa.

**WHEREAS**, on August 15, 2016, the City Council of the City of Azusa ("City Council") conducted a noticed public hearing on the proposed amendments to the Development Code at which all persons wishing to testify in connection with the proposed amendments to the Municipal Code were heard and the amendments was fully studied, discussed and deliberated; and

**WHEREAS**, the City Council has carefully considered all pertinent testimony and the staff report presented during the public hearing for the proposed amendments to the Development Code.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF AZUSA as follows:**

**SECTION 1.** The City Council finds that the above recitals are true and correct and hereby adopts them as findings in support of this ordinance. The City Council further finds that adoption of this ordinance is consistent with the City of Azusa General Plan's Goals and Policies, including, but not limited to, the following:

**Goal 4.** Improve the visual appeal of the City.

**Policy 4.2.** Encourage attractive gateway treatments to establish a positive image of the city its districts and corridors.

**Policy 4.3.** Require signage to be designed considering the scale and materials of adjacent buildings, the desired character of the neighborhood, district, or corridor where the site is located, and pedestrian orientation.

**Policy 9.3.** Promote business development that can support the city's property tax base, generate business-to-business sales taxes, and enhance Azusa's economic health and quality of life.

**Policy 10.2.** Promote Azusa’s competitiveness at the regional or sub-regional level in key strategic retail niches.

Adoption of this ordinance promotes these policies by creating a mechanism to authorize the relocation of Billboards to more appropriate locations within the City, while providing increased opportunities for Azusa businesses to advertise to larger audiences and promote economic growth in Azusa and the region.

The City Council further finds that adoption of this ordinance is reasonably related to the public welfare of the citizens of the City and the surrounding region because it provides economic development opportunities for Azusa businesses and promotes the removal of Billboards in other areas of the City and the freeway corridors leading to the City into areas that have fewer aesthetic and other impacts.

**SECTION 2.** Section 88.38.040(D) of the Azusa Municipal Code is hereby amended to read as follows:

“D. Billboards (e.g. permanent off-site signs), except as approved as part of a Billboard Relocation Agreement pursuant to the terms of this Chapter.”

**SECTION 3.** Section 88.38.085 is hereby added to the Azusa Municipal Code to read as follows:

“88.38.085. – Billboard Relocation Agreements.

A. Intent and Purpose. Billboards are recognized as a legitimate form of commercial advertising in the City. However, the size, number, location and illumination of billboards can have significant influence on the City's visual character, and can, without appropriate control, create or contribute to visual blight conditions. The purpose of this section is to provide the parameters under which existing billboards may be relocated and reconstructed subject to reasonable controls, while recognizing that community appearance is an important factor in ensuring the general community welfare. Nothing herein shall affect the right of any billboard in existence as of the date that this section becomes effective to continue to exist pursuant to an agreement or as a legal nonconforming use to be maintained pursuant to such agreement or in conformance with this chapter.

B. General Requirements.

1. The requirements of this section shall apply to any off-site sign (Billboard) project involving the installation or construction of relocated billboard, or the expansion, modification, or digitization of an existing billboard, or the addition of additional face(s) to an existing billboard within the City. Relocated Billboards shall be permitted in the City only after an Agreement has been negotiated and executed between the billboard

operator/owner and City and a permit has been issued in accordance with the terms of this chapter. The Agreement may include compensation to be paid to the city or the provision of other public benefits to be provided as a result of the relocation, installation and operation of any billboard or modification of an existing billboard within the City. All relocated billboards constructed shall comply with this chapter and all applicable requirement of the California Business & Professions Code and the California Code of Regulations.

An owner or entity proposing an agreement for relocation shall establish that the relocated billboard meets one or more of the following eligibility requirements:

a. The billboard proposed for complete demolition and relocation is the subject of any eminent domain action or threat of eminent domain action by a legally created public entity possessing eminent domain/condemnation authority and provides public benefits for such relocation ; or

b. The applicant chooses to completely demolish and relocate an existing billboard, including a legal nonconforming billboard, to a more suitable location so as not to conflict with the proposed development or redevelopment of the property and provides public benefits for such relocation as negotiated in the agreement; or

c. The applicant chooses to completely demolish and relocate an existing billboard, including a legal nonconforming billboard, to a more suitable location within the City that lessens the overall negative aesthetic impacts on the City and its residents and provides public benefits for such relocation; or

d. The applicant has previously removed and completely demolished one or more billboards and maintains credits for such removal by the California Department of Transportation pursuant to California Business & Professions Code, Section 5443.5 and such relocation benefits the City of Azusa; or

e. The applicant proposes to enhance, improve and modify an existing billboard already established within the City for the purpose of modernizing and improving the aesthetic appearance of such billboard.

2. In the event of any conflict between any provision contained in this chapter and any other provisions contained elsewhere in this code, the provisions of this chapter shall govern.

3. No billboard shall be approved and no existing billboard shall be modified without the applicant first providing proof of legal or equitable interest in the site proposed for relocation or modification, including, but not limited to a lease, easement or other entitlement, demonstrating the right to install and operate the billboard on the subject

property for the term desired. Information to be provided shall including the written consent of the property owner if not readily ascertainable from the foregoing documents.

4. All billboard agreements shall include requirements that applicants obtain all additional federal and/or state permits for installation. Nothing contained in this chapter shall require the City to negotiate and/or approve an Agreement on terms that are unacceptable to the City Council.

5. Physical Requirements.

a. The minimum distance between two or more billboards placed within the shall be the same as the minimum distance and separation criteria established by the California Department of Transportation (Caltrans). All distances shall be measured from the vertical centerline of each billboard face.

b. All utilities for each billboard shall be underground.

c. No billboard shall have more than one face (display surface) oriented in the same vertical plane.

d. All billboards shall plainly display, and be visible from no less than 100 feet, the name of the person or company owning or maintaining it and the billboard identification number.

e. All billboards shall be placed at least 100 feet from any single family residential zone. The measurement shall be from the closest edge of the billboard to the closest edge of the single family residential zone or closest property line on which a single family residential use is located.

C. Application requirements; Review procedures.

1. Application requirements. In addition to the application requirements for sign permits required by this chapter and code, a person or entity wishing to enter into a billboard relocation agreement shall submit a request in writing for approval of an Agreement that includes the following:

a. The name, address phone number and other contact information of the person or entity proposing the Agreement.

b. Identification of the location proposed for a new or relocated or modified billboard and the billboard(s) being permanently removed, where applicable;

c. Information that establishes that the person or entity proposing the Agreement has legal or equitable interest in the billboard being removed or modified

and the site proposed for relocation or placement.

d. Conceptual design drawings for the billboards that includes technical specifications to determine the billboard's compliance with this chapter.

e. An explanation of the compensation to be paid or public benefits to be provided to the City.

f. The application must include photos of all existing signage or architectural renderings and elevations of proposed billboards as well as a scaled plot plan and elevations showing the locations of all existing structures and improvements on the property, and the proposed billboard.

2. The applicant must pay a filing fee in accordance with an approved resolution. This fee shall be in addition to any other required fees for permits relative to the development of the property and shall be for the purpose of defraying the costs associated with city review and action on the application.”

3. Review Process. All Agreements shall be reviewed by the Planning Commission at a duly notice public hearing. The public hearing shall be noticed in the same way that conditional use permits and variances are noticed pursuant to this chapter. The Planning Commission shall review the Agreement and, after a duly noticed public hearing, make a recommendation to City Council, based on current development standards, the location of the proposed relocated or modified billboard and whether the proposed relocated or modified billboard meets the findings contained in this section.

At a City Council meeting held no later than forty-five (45) days after the Planning Commission makes its recommendation, the City Council shall review and consider the Agreement, at a duly noticed public hearing. The hearing before the City Council shall be noticed the same as any conditional use permit and may be continued from time to time. In order to approve a request for an Agreement, the City Council shall make the following findings for approval of an Agreement:

a. The proposed agreement is consistent with the goals, objectives, purposes and provisions of the General Plan, the Development Code and any applicable specific plans;

b. The proposed agreement would promote installation of a billboard that is compatible with the uses and structures on the site and in the surrounding area, considering the scale and materials of adjacent buildings, the desired character of the neighborhood, district, or corridor where the billboard is located, and pedestrian orientation.;

c. The proposed agreement authorizes the installation of a billboard that would not create a traffic or safety problem, including problems associated with onsite access

circulation or visibility;

d. The proposed agreement for installation would not interfere with onsite parking or landscaping required by City ordinance or permit; and

e. The proposed agreement does not promote construction of a billboard that would not otherwise result in a threat to the general health, safety and welfare of City residents.

f. The proposed billboard, in addition to its aesthetic treatment, provides public benefits that would not otherwise accrue to the public in the absence of its installation.”

**SECTION 4.** Based on the entire record before the City Council, and all written and oral evidence presented to the City Council, the City Council hereby finds that this ordinance is exempt from review under the California Environmental Quality Act (“CEQA”), pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Article 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 5.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof. By enacting this Ordinance, the City ordains that nothing herein shall be deemed to conflict with or duplicate federal or state law, or otherwise or to license any activity that is prohibited thereunder except as mandated by such laws.

**SECTION 6.** The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

**SECTION 7.** This Ordinance shall become effective thirty (30) days from and after its adoption.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council on the 19th day of September, 2016, by the following vote:

/s/Joseph Romero Rocha  
Mayor

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF AZUSA )

**I HEREBY CERTIFY** that the foregoing Ordinance No. 2016-O6, was duly introduced and placed for its first reading at a special meeting of the City Council on the 15<sup>th</sup> day of August, 2016, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 19<sup>th</sup> day of September, 2016 by the following vote of the Council:

AYES: COUNCILMEMBERS: CARRILLO, GONZALES, MACIAS, ALVAREZ, ROCHA  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: NONE

/s/Jeffrey Lawrence Cornejo, Jr.,  
City Clerk

**APPROVED AS TO FORM:**

/s/Marco Martinez, Best Best & Krieger, LLP  
City Attorney