

RESOLUTION NUMBER 4699

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-11-0004 TO ALLOW SIX (6) NEW DIGITAL BILLBOARDS ALONG THE I-215 FREEWAY WITHIN CITY LIMITS, AND REMOVAL OF TWENTY-FOUR (24) EXISTING BILLBOARDS; AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, on November 6, 2013, Nat Preston on behalf of Lamar Advertising Company, filed Conditional Use Permit (CUP) 13-11-0004 to allow six (6) new digital billboards along the I-215 Freeway within the City limits, and removal of twenty-four (24) existing billboards; and

WHEREAS, the properties proposed for the Conditional Use Permit are more particularly described as Area Parcel Numbers 295-300-005, 305-090-045, 310-170-005, 329-250-016, 329-250-038 and 331-070-003; and

WHEREAS, the proposed Conditional Use Permit is consistent with the General Plan to facilitate the removal of outdated existing billboards (i.e. twenty-four billboards) with new billboards (i.e. six modern billboards) that will reduce visual clutter created by the proliferation of billboards in the community, and to improve the appearance of the City; and

WHEREAS, the proposed project is determined to be Categorically Exempt pursuant to Article 19 Section 15302(c) and Section 15303 of CEQA for replacement of four (4) existing billboard signs and construction two (2) new billboards requiring only negligible improvements.

WHEREAS, on December 18, 2013, the Planning Commission conducted a legally noticed public hearing on Conditional Use Permit 13-11-0004 and considered public testimony and materials in the staff reports and accompanying document and exhibits, and recommended approval (4-0-3 Absent) of the project.

WHEREAS, on March 11, 2014 the City Council conducted a duly noticed public hearing on the proposed project, considered testimony and materials in the staff reports, accompanying documents;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, as follows:

Section 1. The above recitals are all true and correct.

Section 2. The City Council has reviewed and considered the information contained within the Project Report and the accompanying attachments and exhibits, and the City Council hereby finds that:

Conditional Use Permit:

- A. The proposed location of the conditional use is in accordance with the objectives of this Title and the purposes of the Zone subject to Zone Text Amendment 13-11-0005 approval and the recently approved Billboard Relocation Agreement in that it will facilitate the permanent removal of twenty-four (24) outdated existing billboard signs with six (6) new improved billboard signs.
- B. The proposed project is consistent with the City's General Plan, zoning standards, applicable subdivision requirements and other ordinances and resolutions of the City subject to the Zone Text Amendment approval.
- C. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, as conditioned.
- D. The proposed conceptual billboard design and layout are compatible with community standards in that it will remove existing outdated billboard signs with three improved new billboard signs that will better protect the character of the adjacent development and the City as a whole.
- E. The proposed project does not necessitate on-site landscaping improvements to ensure visual relief as they are billboard signs on undeveloped sites. Therefore, the new billboards will provide an improved environment for the public's enjoyment.

Section 3. The City Council hereby approves Conditional Use Permit 13-11-0004 based on the information and findings presented in the City Council Submittal Report dated March 11, 2014 and accompanying documents and exhibits; and

Section 4. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

Section 5. The Mayor shall sign this resolution and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 11th day of March 2014.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Nancy Salazar

Attachment: Conditions of Approval

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4699 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 11th day of March 2014, by the following called vote:

AYES: LANDERS, ROGERS, YARBROUGH, RODRIGUEZ, BUSCH

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

City Clerk, Nancy Salazar

**CITY OF PERRIS
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

CITY COUNCIL CONDITIONS OF APPROVAL

ZTA 13-11-0004 & CUP 13-11-0005

March 11, 2014

Zone Text Amendment (ZTA) 13-11-0004 & Conditional Use Permit (CUP) 13-11-0005 - Zone Text Amendment to revise the Outdoor Advertising Sign and Definition sections of the Zoning Code regarding digital billboard signs and a Conditional Use Permit to allow six (6) new digital billboards along the 1-215 Freeway within the City limits, and removal of 32 existing billboards. **Applicant:** Nat Preston, Lamar Advertising Company

General Requirements

1. **Conformance to Approved Plans.** Development of the billboard project shall conform substantially to the approved set of plans presented at the December 18, 2013 Planning Commission meeting, or as amended by these conditions. Any deviation shall require appropriate Planning Division review and approval.
2. **Conditional Use Permit Approval.** The Conditional Use Permit approval shall be null and void unless substantial construction of the project or commencement of the land use contemplated by this approval is begun within three (3) years of the approval date. The applicant may apply for a maximum of three (3) one-year extensions. A written request for an extension shall be submitted to the Planning Division at least thirty (30) days prior to the expiration of the Conditional Use Permit.
3. **Permanent Removal of Existing Billboards.** Removal of the exiting billboards shall be in accordance with the Billboard Removal and Reconstruction Agreement approved by the City Council on November 12, 2013.
4. **Billboard Removal and Reconstruction Agreement.** All terms as indicated in the Billboard Removal and Reconstruction Agreement, approved by the City Council on November 12, 2013, shall remain in effect.
5. **Signage Display.** A total of twelve displays (i.e. front & back displays per billboard sign) is permitted for the six new billboard signs. The maximum signage display shall be 672 square feet per face with a maximum billboard height of 50 feet. No more than six of the twelve displays shall be digital displays. Also, the digital display shall not change advertisement more than once every four seconds and shall comply with all applicable CALTRANS standards for signs adjacent to a freeway.
6. **Public Service Announcements.** City shall have the right to place two (2) public service announcements on the New Billboards on a continuous basis throughout the Term of the Billboard Relocation Agreement, one (1) display oriented for viewing by northbound traffic and one (1) display oriented for viewing by southbound traffic, with the exact location of the display(s) to be determined by mutual agreement of the Parties; provided, however, that such public service announcements shall be limited to one (1) showing of

at least six (6) seconds per minute on each such New Billboard containing a Digital Display. "Public Service Announcements" pursuant to the Agreement include, but are not limited to, City event announcements, emergency broadcasts, Amber Alerts and Wanted Criminal Postings from City's Police Department and other public or community messages similar in nature.

7. **Sign Application.** An individual sign application will be required for each billboard sign showing precise location, final height, design and photo simulation of each sign. The final design shall be substantially in compliance with the original approval.
8. **Building Official/Fire Marshal.** The proposed improvements shall adhere to all requirements of the Building Official/Fire Marshal. Water, gas, sewer, electrical transformers, power vaults and separate fire/water supply lines (if applicable) must be shown on the final set of construction plans pursuant to the requirements of the Building Official. See City of Perris website, Office of the Fire Marshal for examples and relevant information for access and underground plan available at: <http://www.cityofperris.org>.
9. **Property Maintenance.** The project shall comply with provisions of Perris Municipal Code 7.06 regarding Landscape Maintenance, and Chapter 7.42 regarding Property Maintenance.
10. **Adherence to ALUC recommendation.** The project shall comply with the ALUC Conditions of Approval noted in its approval letter dated February 13, 2014, which are provided below:
 - A. Billboard No. 1 located on Assessor's Parcel Number 295-300-005 shall not be reconstructed at a greater height than the existing billboard at the same location. In the event that the applicant chooses to construct Billboard No. 1 at a greater height than the existing billboard, prior to issuance of the building permit, the permittee shall provide evidence to the City of Perris and the Riverside County Airport Land Use Commission that the Federal Aviation Administration Obstruction Evaluation Service has issued a "Determination of No Hazard to Air Navigation" for Billboard No. 1 at the greater height and elevation above mean sea level.
 - B. Billboard No. 3 located on Assessor's Parcel Number 310-170-005 shall not exceed a height of 42 feet unless, prior to issuance of the building permit, the permittee has provided evidence to the City of Perris and the Riverside County Airport Land Use Commission that the Federal Aviation Administration Obstruction Evaluation Service has issued a "Determination of No Hazard to Air Navigation" for Billboard No. 3 at the greater height and elevation above mean sea level.
 - C. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
 - D. The following uses shall be prohibited:

- a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landscaping utilizing water features, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, and incinerators.
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- E. Prior to the issuance of building permits for Billboard No. 1 and Billboard No. 2, the owners of the affected properties (Assessor's Parcel Numbers 295-300-005 and 305-090-045) shall convey and have recorded an avigation easement to the March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
- F. The airport notice from the ALUC approval letter dated February 13, 2014 shall be provided to all prospective purchasers and/or tenants of the sites of Billboard Nos. 1, 2, and 3.
- G. In the event that any incidence of glint, glare, or flash affecting the safety of air navigation occurs as a result of project operation, upon notification to the airport operator of an incidence, the airport operator shall notify the project operator in writing. Within 30 days of written notice, the project operator shall be required to promptly take all measures necessary to eliminate such glint, glare, or flash. An "incidence" includes any situation that results in an accident, incident, "near-miss," or specific safety complaint regarding an in-flight experience to the airport operator or to federal, state, or county authorities responsible for the safety of air navigation. The project operator shall work with the airport operator to prevent recurrence of the incidence. Suggested measures may include, but not be limited to, providing for hooding horizontal overhangs at the top of the advertising structure so as to minimize overhead light trespass or providing for temporary non-operation during aircraft approaches. For each such incidence made known to the project operator, the necessary remediation shall only be considered to have

been fulfilled when the airport operator states in writing that the situation has been remediated to the airport operator's satisfaction.

PRIOR TO BUILDING PERMIT ISSUANCE

11. **Indemnification/ Hold Harmless.** The developer/applicant shall indemnify, protect, defend, and hold harmless, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees and agents, to attack, set aside, void, annul, or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning Zone Text Amendment 13-11-0004 and Conditional Use Permit 13-11-0005. City shall promptly notify the developer/applicant of any claim, action, or proceeding for which indemnification is sought and shall further cooperate fully in the defense of the action.

PRIOR TO BUILDING PERMIT FINAL

12. **Outstanding Fees.** Any outstanding processing fees due to the Planning Division shall be paid.
13. **Final Planning Inspection.** The applicant shall first obtain clearance from the Planning Division verifying that all conditions of approval have been met by arranging a site inspection with Planning staff.

cc: Building Division