

ORDINANCE NO. 326

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, APPROVING MUNICIPAL CODE AMENDMENT NO. 18MCA01, AMENDING MUNICIPAL CODE CHAPTER 12.28 (BANNERS AND ATTACHMENTS IN THE PUBLIC RIGHTS-OF-WAY) TO AMEND SECTION 12.28.010 "BANNERS AND SIGNS ON CITY PROPERTY," AMENDING CHAPTER 16.38 (SIGNS) TO AMEND SECTION 16.38.025 "SIGN PLACEMENT," AND ADD SECTION 16.38.043 "TEMPORARY SIGNS PLACED IN CONNECTION WITH A SINGLE EXHIBITION EVENT," AND DETERMINING THE ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

- A. On June 18, 2015, the U.S. Supreme Court issued its opinion in the case of *Reed v. Town of Gilbert* (2015) 576 U.S., wherein the Court struck down several provisions of the town's sign ordinance that imposed different time, place and manner restrictions depending entirely on the communicative content of the sign. In response, staff has reviewed all of the sign regulations in the Municipal Code for provisions that could potentially run afoul of the holding in *Reed*.
- B. On March 28, 2017, the City Council approved Ordinance No. 318 amending Chapter 6.38 (Signs), exclusive of the provisions on the temporary single exhibition event signs in the public right-of-way. The Municipal Code amendments proposed herein and in Ordinance No. 318 seek to eliminate or otherwise rectify provisions of the City's sign regulations that may be perceived as impermissibly content-based in the wake of the Supreme Court's ruling.
- C. At its meeting on September 12, 2017, the City Council provided direction to the Planning Commission to develop recommendations consistent with *Reed v. Town of Gilbert* that would allow limited temporary signs in limited portions of the public right-of-way for limited periods.
- D. At its October 17 and November 21, 2017 meetings, the Planning Commission held workshops to consider the City Council's direction, and provided a series of recommendations regarding temporary signs in the

public right-of-way. These recommendations focused on achieving the following objectives: (1) Meet the Council's direction; (2) Control visual clutter; (3) Limit interference with vehicle traffic at public street intersections; (4) Limit interference with pedestrian movement on public sidewalks; and (5) Facilitate monitoring and enforcement by the City Code Enforcement Division.

- E. On February 6, 2018, the Planning Commission held a public hearing recommending Municipal Code Amendment 18MCA01 to allow temporary signs placed in connection with a single exhibition event including provisions to allow such signs for limited periods in limited areas of the public rights-of-way. During the public hearing, the Planning Commission considered testimony by local realtor representatives, who requested modifications to the proposed ordinance that the Commission considered and voted to include the modifications with 18MCA01.
- F. On March 6, 2018, the Planning Commission held a public hearing recommending Municipal Code Amendment 18MCA01 to allow temporary signs placed in connection with a single exhibition event including provisions to allow such signs for limited periods in limited areas of the public rights-of-way and incorporating recommendations received from local realtors at their February 6, 2018 hearing. The Planning Commission made minor edits to the proposed ordinance and voted to recommend 18MCA01 to the City Council with minor edits included.
- G. On April 10, 2018, the City Council held a duly noticed public hearing to consider Municipal Code Amendment No. 18MCA01 and considered the Planning Commission recommendation as well as any input provided by the public.
- H. Should any part of this Ordinance inadvertently regulate signs in a manner that does not conform to applicable laws, the City Council intends that such regulation be interpreted and enforced in a manner that brings this Ordinance into conformance with such laws.
- I. Where particular signs are defined based on their use, the Planning Commission intends that such signs be regulated based upon use, placement, design, construction, and other similar reasons rather than the content of such signs.

SECTION 2. The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq. ("CEQA")) for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)), (2) there is no possibility that the ordinance may have a significant effect

significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)), and (3) the Ordinance does not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378) and the project is exempt from review under CEQA pursuant to CEQA Guidelines §§ 15301, 15305 and 15308.

SECTION 3. As required under Government Code § 65860, the City Council finds and declares that the proposed Municipal Code Amendment No. 118MCA01 is consistent with applicable laws as follows:

- A. The proposed amendment to the Chino Hills Municipal Code conforms to the First Amendment of the U.S. Constitution that restricts governments from imposing laws that prohibit or abridge the freedom of speech by modifying Municipal Code regulations relative to signs to comply with the Supreme Court's ruling in *Reed v. Town of Gilbert*.
- B. The proposed amendment to the Chino Hills Municipal Code conforms to Government Code § 65860 which enables local government to regulate signs.
- C. The proposed amendment to the Chino Hills Municipal Code conforms to General Plan Goals LU-2, LU-3 and LU-4, which require a balanced community, maintenance and promotion of the character, integrity, and excellence of design of the City's neighborhoods.

SECTION 4. In accordance with Chino Hills Municipal Code § 16.62.040, the City Council makes the following findings of fact:

- A. FINDING: That the proposed Municipal Code amendment is consistent with the goals, policies, and objectives of the General Plan.

FACT: The proposed amendment to the Chino Hills Municipal Code conforms to the recent Supreme Court ruling in *Reed v. Town of Gilbert* to ensure that City Municipal Code regulations relative to permanent and temporary signs is consistent with the First Amendment of the U.S. Constitution that restricts governments from imposing laws that prohibit or abridge the freedom of speech. Further, the proposed amendment is consistent with Government Code § 65860 which enables local government to regulate signs, including temporary election season signs. The proposed amendment is also consistent with Goals LU-2, LU-3 and LU-4, which require a balanced community, maintenance and promotion of the character, integrity, and excellence of design of the City's neighborhoods. The proposed amendment would allow for signs in a manner that is content neutral while providing for their installation in an orderly fashion that maintains the character and integrity of the Chino Hills community.

B. FINDING: That the proposed Municipal Code amendment will not adversely affect surrounding properties.

FACT: That the proposed Municipal Code amendment relative to temporary signs would be effective citywide and provides reasonable regulation of uses to further enhance the health, safety, and welfare of the community and will not adversely affect surrounding properties.

SECTION 5. The City Council hereby amends Chapter 12.28 (Banners and Attachments in Public Rights-of-Way) of the Municipal Code as follows:

Chapter 12.28 - Banners and Attachments in Public Rights-of-Way

Sections:

12.28.010 - Banners and Signs on City property.

A. No banner or sign may be placed on any City property or public right-of-way, nor on any structure (including trees and utility poles) owned or operated by the City, nor upon any structure (including trees and utility poles) installed on any City property or public right-of-way.

B. The following signs are exempt from this requirement:

1. Signs, flags, banners, emblems or notices issued or endorsed by a constituted governmental body, public agency, court, person or officer in performance of a public duty, including traffic or highway signs or similar regulatory or warning devices and legal notices.
2. Utility company signs identifying conduits, cables, any dangerous condition or providing other such similar notice if a permit is obtained pursuant to Chapter 12.12.
3. Temporary signs as permitted in the public right-of-way pursuant to Chapter 16.38.043 Temporary Signs Placed in Connection with a Single Exhibition Event.
4. Notwithstanding any other provision of this Chapter, subsection B.3. does not regulate the content (copy) of signs in any way (except the display of the permit required in Chapter 16.38.043).

SECTION 6. The City Council hereby amends Chapter 16.38 (Signs) of the Municipal Code, and amends Section 16.38.025 "Sign Placement" and adds Section 16.38.043 "Temporary Signs Placed in Connection with a Single Exhibition Event as follows:

Chapter 16.38 - SIGNS

Sections:

16.38.025 - Sign placement.

- A. Signs may be placed on private property only, except as otherwise provide in this Chapter 16.38.043.H of this Code. No sign may be placed on any property without the property owner's consent, (including applicable fee and easement holders), even if a permit is obtained pursuant to Chapter 16.38.043.H of this Code.
- B. No sign, or any portion thereof, may extend over the public right-of-way (except as otherwise provide in this Chapter 16.38.043.H of this Code) or over a property line onto an adjacent property unless consent is obtained from the adjacent property owner.
- C. No portion of a sign may be located closer than one foot from the existing public right-of-way line, except as otherwise provided in this Chapter 16.38.043.H. of this Code.

16.38.043 - Temporary Signs Placed in Connection with a Single Exhibition Event.

- A. A single exhibition event means a specific time when members of the public are invited to a private residential property within the City of Chino Hills for the purpose of socializing, viewing and/or engaging in sale or lease transactions, including, without limitation, events such as a real estate open house, holiday open house or similar activity. (For yard sales and additional signs that are permitted in conjunction with yard sales, reference Chino Hills Municipal Code Section 5.04.330.)
- B. Temporary single exhibition event signs shall only be displayed during the day of the event and only on Fridays, Saturdays, Sundays, observed Memorial Day and observed Veterans Day between the hours of 7 a.m. and 6 p.m.
- C. A maximum of five (5) temporary single exhibition event signs are permitted on the property holding the single exhibition event.
- D. Temporary single exhibition event signs shall have a maximum sign area of four (4) square feet per legal parcel in any zoning district. For double-sided signs, only the area of one side shall be counted toward the maximum area allowed.
- E. The maximum height of temporary single exhibition event signs shall not exceed four (4) feet.

- F. Temporary single exhibition event signs on private property must be attached to a wire, wood or similar post, or A-frame and placed securely in the ground on a landscaped or other permeable ground surface.
- G. Temporary single exhibition event signs may be placed on other private properties in addition to the property holding the single exhibition event provided the consent of the property owner is received prior to sign placement.
- H. Temporary single exhibition event signs may be placed on the public ROW subject to all the provisions of this section plus following provisions:

1. Location:

- a. Temporary single exhibition event signs shall be placed only in the landscaped portion of the public street parkway, and shall be prohibited in public ROW medians, tree wells, sidewalks or any other location where the City determines the sign may cause a safety hazard or interfere with vehicular or pedestrian movement, including, but not limited to, the movement and accessibility of persons with disabilities.

- b. No temporary single exhibition event signs shall be placed within fifty (50) feet of the corners at the following intersections:

- 1) Grand Avenue & Boys Republic Drive
- 2) Carbon Canyon Road & Canyon Hills
- 3) Soquel Canyon Parkway & Pomona Rincon Road
- 4) Chino Hills Parkway & Pipeline Avenue
- 5) Carbon Canyon Road & Chino Hills Parkway
- 6) Grand Avenue & Peyton Drive
- 7) Soquel Canyon Parkway & Butterfield Ranch Road
- 8) Peyton & Eucalyptus
- 9) Chino Hills Parkway & Peyton
- 10) Chino Avenue & Peyton
- 11) Chino Hills Parkway & Chino Hills Marketplace
- 12) Grand Avenue and Chino Hills Parkway
- 13) Chino Hills Parkway and Ramona
- 14) Butterfield Ranch Road and Shady View/SR71 off ramp

- 2. Attachment: Temporary single exhibition event signs must be attached to a wire, wood or similar post, or A-frame and placed securely in the ground on a landscaped or other permeable ground surface of the public street parkway. Placement by any other manner or on light poles, utility poles, fire hydrants, permanent signs or sign poles, or any other public equipment or facility is prohibited.

3. Spacing of the Same Signs: The minimum distance between the same temporary single exhibition event signs placed in the public ROW shall be 100 feet.
4. Permit Required: All temporary single exhibition event signs in the public ROW shall obtain a permit through the City of Chino Hills Community Development Department prior to placement. The applicant shall complete a City application for the permit which shall contain, at a minimum, the following information:
 - a) Name of person or entity displaying the temporary single exhibition event sign.
 - b) Phone number of person or entity displaying the temporary single exhibition event sign in the public ROW.
 - c) Date and location of the single exhibition event.
 - d) Duration during which the temporary single exhibition event sign(s) will be displayed.
 - e) Number of temporary single exhibition event signs.
5. Duration: For an applicant holding multiple single exhibition events, the permit shall be valid for a maximum duration of one (1) year, provided the applicant provides notification to the City of the location of each single exhibition event at least four (4) days prior to the event's occurrence. The process for notification to the City shall be as specified in the permit.
6. For reoccurring single exhibition events, the temporary signs may be displayed for a maximum of six (6) months per event, but only during the event and as specified in this section.
7. Maximum Number of Signs: The maximum number of temporary single exhibition event signs displayed in the public ROW is fifteen (15) per permit.
8. Permit Displayed: The permit must be adhered to the face of each temporary single exhibition event signs displayed in the public ROW. The applicant shall be responsible for ensuring the permit is securely placed on the face of each sign. Alternately, the applicant may display his/her business card in place of the permit provided the business card contains the applicant's name and contact phone number and the location of the special event for which the permit has been issued.

- I. Notwithstanding any other provision of this Chapter, this section does not regulate the content (copy) of signs in any way (except the display of the permit required in Chapter 16.38.043).

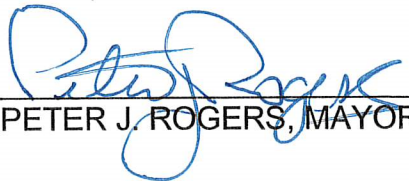
SECTION 7. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council states its intention that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. The City Council states its intension that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the city of Chino Hill's book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10. This Ordinance shall take effect on the 30th day following its final passage and adoption

PASSED, APPROVED AND ADOPTED this 24th day of April, 2018



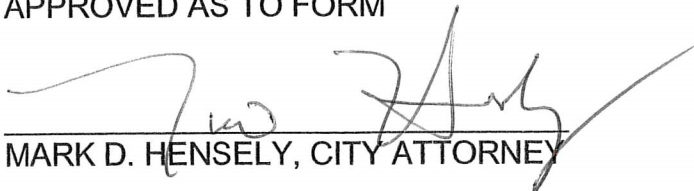
PETER J. ROGERS, MAYOR

ATTEST:



CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM



MARK D. HENSELY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 326 was duly introduced at a regular meeting held April 10, 2018; and adopted at a regular meeting of the City Council held on the 24th day of April, 2018 by the following vote, to wit:

AYES: COUNCIL MEMBERS: ROGERS, MORAN, JOHSZ

NOES: COUNCIL MEMBERS: NONE

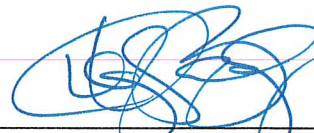
ABSENT: COUNCIL MEMBERS: BENNETT

ABSTAIN: COUNCIL MEMBERS: MARQUEZ

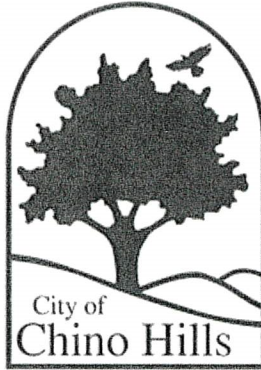


CHERYL BALZ, CITY CLERK

I hereby certify that the foregoing is the original of Ordinance No. 326 duly passed and adopted by the Chino Hills City Council at their regular meeting held on April 24, 2018 and that summaries of the Ordinance were published on April 14, 2018 and April 28, 2018 in the Chino Hills Champion newspaper.



CHERYL BALZ, CITY CLERK



CITY OF CHINO HILLS

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) §.
CITY OF CHINO HILLS)

CHERYL BALZ, being first duly sworn, deposes and says:

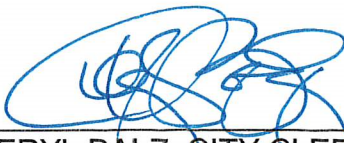
That she is the duly appointed and qualified City Clerk of the City of Chino Hills;

That in compliance with the State laws of the State of California, a certified copy of the full text of a proposed Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, APPROVING MUNICIPAL CODE AMENDMENT NO. 18MCA01, AMENDING MUNICIPAL CODE CHAPTER 12.28 (BANNERS AND ATTACHMENTS IN THE PUBLIC RIGHTS-OF-WAY) TO AMEND SECTION 12.28.010 "BANNERS AND SIGNS ON CITY PROPERTY," AMENDING CHAPTER 16.38 (SIGNS) TO AMEND SECTION 16.38.025 "SIGN PLACEMENT," AND ADD SECTION 16.38.043 "TEMPORARY SIGNS PLACED IN CONNECTION WITH A SINGLE EXHIBITION EVENT," AND DETERMINING THE ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

attached hereto and made a part hereof, was caused to be posted in the Office of the City Clerk.

Dated this 27th of April, 2018.



CHERYL BALZ, CITY CLERK

PROOF OF PUBLICATION

STATE OF CALIFORNIA
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the CHINO CHAMPION, a newspaper of general circulation, printed and published weekly in the City of Chino, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of August 5, 1952, Case Number 73453; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 28, all in the year 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Chino, California, this 28th day of

April 2018



(Signature)

Suzanne Rojas

MAY 02 2018

ACCOUNTS PAYABLE

Champion

Serving the Chino Valley and Chino Hills

9th & D Streets • P.O. Box 607
Chino, California 91708
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Adjudicated August 5, 1952
Case No. 73453

This space is for the County Clerk's Filing Stamp

**PUBLIC NOTICE OF
ADOPTION OF
CITY OF CHINO HILLS
ORDINANCE NO. 326**

NOTICE IS HEREBY GIVEN that on April 24, 2018, the City Council of the City of Chino Hills adopted Ordinance No. 326 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, APPROVING MUNICIPAL CODE AMENDMENT NO. 18MCA01, AMENDING MUNICIPAL CODE CHAPTER 12.28 (BANNERS AND ATTACHMENTS IN THE PUBLIC RIGHTS-OF-WAY) TO AMEND SECTION 12.28.010 "BANNERS AND SIGNS ON CITY PROPERTY," AMENDING CHAPTER 16.38 (SIGNS) TO AMEND SECTION 16.38.025 "SIGN PLACEMENT," AND ADD SECTION 16.38.043 "TEMPORARY SIGNS PLACED IN CONNECTION WITH A SINGLE EXHIBITION EVENT," AND DETERMINING THE ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Ordinance No. 326 was adopted by the City Council by the following vote:

Ayes: Rogers, Moran, Johsz,
Noes: None
Absent: Bennett
Abstain: Marquez

A certified copy of the full text of Ordinance No. 326 is available for review in the office of the City Clerk, City of Chino Hills, 14000 City Center Drive, Chino Hills, California 91709, Monday through Thursday 7:30a.m., to 5:30p.m. and Friday, 7:30a.m. to 4:30p.m.

DATED: April 25, 2018
s/CHERYL BALZ, CITY CLERK
PUBLISH: Chino Hills Champion
Saturday, April 28, 2018 334-18