

ORDINANCE NO. 353

AN ORDINANCE OF THE CITY OF CHINO HILLS, AMENDING
SECTION 16.38.043 OF THE CHINO HILLS MUNICIPAL CODE

NOW, THEREFORE, 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 initiated a review of all of the sign regulations in the Chino Hills Municipal Code (CHMC) for provisions that could potentially run afoul of the holding in *Reed*.
- B. On April 11, 2017, the City Council approved Ordinance No. 309 amending Chapter 16.38 (Signs) to eliminate or revise provisions of the City's sign regulations that were impermissibly content-based in the wake of the Supreme Court's ruling and to provide updated standards and procedures for the review of signage within the City.
- 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 (ROW) for limited periods.
- D. On March 6, 2018, the Planning Commission adopted a resolution recommending to the City Council approval of Municipal Code Amendment 18MCA01.
- E. On April 10, 2018, the City Council held a duly noticed public hearing to receive oral and documentary evidence from the public regarding the proposed Ordinance.
- F. Ordinance No. 326 was adopted by the City Council on April 24, 2018, and the adopted amendment became effective on May 24, 2018.
- G. Based on staff's experience implementing the standards and procedures established in Section 16.38.043 and feedback from applicants, including real estate professionals, the City initiated an amendment to CHMC Section 16.38.043 which is intended to provide clarity, updated standards, and a more streamlined application process.

- H. On December 17, 2019, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public regarding the proposed amendment. Four realtors and one realtor association representative spoke during the hearing. In general, the speakers favored less restrictions and opposed a proposed reduction to the number of signs that could be placed in the public ROW. The version of the ordinance that was sent to the Planning Commission had proposed reducing the number of signs from 15 to 10. Staff had recommended this reduction based on field experience that the maximum number of signs used by realtors didn't appear to exceed 10. However, given the speakers concerns, the Commission and staff agreed that the maximum number of signs that could be placed in the public ROW should remain at 15. With this adjustment, the Planning Commission voted 3-0 (with 2 absent) to approve a resolution recommending to the City Council Municipal Code Amendment 19MCA05.
- I. On February 25, 2020, the City Council held a duly noticed public hearing to receive oral and documentary evidence from the public regarding the proposed Ordinance.

SECTION 2. In accordance with the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.), the proposed Municipal Code Amendment has been determined to be exempt from CEQA for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 California Code of Regulations § 15060(c)(2)), (2) there is no possibility that the ordinance may have a significant effect on the environment (14 California Code of Regulations § 15061(b)(3)), and (3) the ordinance does not constitute a "project" as defined in the CEQA Guidelines (14 California Code of Regulations § 15378).

SECTION 3. As required under Government Code § 65860, the City Council finds and declares that proposed Municipal Code Amendment 19MCA05 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 are consistent with the First Amendment of the U.S. Constitution; which 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. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.38.043 shall be amended in its entirety to read as follows:

Chapter 16.38 - SIGNS

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

- A. General: The following standards apply to all temporary signs placed in connection with a single exhibition event:
1. A single exhibition event means a specific time when members of the public are invited to a private property within a residential zone in 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.)

2. Temporary single exhibition event signs shall only be placed during the day of the event and only on Fridays, Saturdays, Sundays, observed Memorial Day and observed Veterans Day between the hours of 7:00 a.m. and 6:00 p.m.
 3. Temporary single exhibition event signs shall have a maximum sign area of four (4) square feet. For double-sided signs, only the area of one side shall be counted toward the maximum area allowed.
 4. The maximum height of temporary single exhibition event signs shall not exceed four (4) feet.
 5. 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 Section 16.38.043(C)(7)).
- B. Private Property: In addition to the general requirements listed in subsection A above, the following standards apply to all temporary signs placed on private property in connection with a single exhibition event:
1. A maximum of five (5) temporary single exhibition event signs are permitted on the residential property on which the single exhibition event is being held.
 2. Temporary single exhibition event signs placed on privately-owned legal parcels in a residential zone must be attached to a wire, wood or similar post, or A-frame and placed in a stable manner on a landscaped or other permeable ground surface.
 3. One (1) temporary single exhibition event sign may be placed on other privately-owned residential properties in addition to the property holding the single exhibition event provided the consent of the property owner is received prior to sign placement.
- C. Public Right-of-Way (ROW): In addition to the general requirements listed in subsection A above, the following standards apply to all temporary single exhibition event signs placed on the public ROW:
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 center medians, tree wells, sidewalks, trails 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) Butterfield Ranch Road and Shady View/SR71 off ramp
 - 2) Carbon Canyon Road and Canyon Hills Road
 - 3) Chino Avenue and Peyton Drive
 - 4) Chino Hills Parkway and Carbon Canyon Road/Rustic Drive
 - 5) Chino Hills Parkway and Chino Hills Marketplace
 - 6) Chino Hills Parkway and Eucalyptus Avenue
 - 7) Chino Hills Parkway and Grand Avenue
 - 8) Chino Hills Parkway and Peyton Drive
 - 9) Chino Hills Parkway and Pipeline Avenue
 - 10) Chino Hills Parkway and Ramona Avenue
 - 11) Grand Avenue and Boys Republic Drive
 - 12) Grand Avenue and Peyton Drive
 - 13) Peyton Drive and Eucalyptus Avenue
 - 14) Soquel Canyon Parkway and Pomona Rincon Road
 - 15) Soquel Canyon Parkway and Los Serranos Country Club Drive/
Butterfield Ranch Road
2. Attachment: Temporary single exhibition event signs placed in the public ROW must be attached to a wire, wood or similar post, or A-frame and placed in a stable manner 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 one hundred (100) feet.
 4. Duration: The temporary single exhibition event sign permits in the public ROW are valid for a maximum of six (6) months per location, but only during the event and only on Fridays, Saturdays, Sundays, observed Memorial Day and observed Veterans Day between the hours of 7:00 a.m. and 6:00 p.m. and as otherwise specified in this section.
 5. Permit Required: All temporary single exhibition event signs placed in the public ROW must contain the following information:
 - a) Name of person or entity responsible for placing the temporary single exhibition event sign;
 - b) Phone number of person or entity responsible for placing the temporary single exhibition event sign;

- c) Location of the single exhibition event;
 - d) Start date of the single exhibition event; and
 - e) Real Estate or Broker State License Number (if applicable). This will be required for all persons or entities holding a real estate open house and pursuant to California Business & Professions Code Section 10140.6(b) and California Code of Regulations Title 10 Chapter 6 Article 9 Section 2773.
6. Maximum Number of Signs: The maximum number of temporary single exhibition event signs placed in the public ROW is fifteen (15) per permit.
7. Permit Displayed: The permit must be adhered to both sides of each temporary single exhibition event sign placed in the public ROW. The applicant shall be responsible for ensuring the permit is securely placed on both sides of each sign.
8. Permit Processing Time: Application to place temporary single exhibition event signs in the public ROW shall be submitted to the City at least four (4) days prior to the single exhibition event.
9. Enforcement: Violations of this section are subject to enforcement proceedings contained in Section 16.38.080.

SECTION 6. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent 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 7. Effect of Repeal. Repeal of any provision of the CHMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the CHMC or other City Ordinance by this Ordinance will be rendered void and cause such previous CHMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 9. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends 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 10. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills's book of original ordinances; make a note of the passage and adoption in the records of this

meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 11. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this 10th day of March 2020.


ART BENNETT, MAYOR

ATTEST:


CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:


MARK D. HENSLEY, 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. 353 was duly introduced at a regular meeting held February 25, 2020; and adopted at a regular meeting of the City Council held on the 10th day of March, 2020 by the following vote, to wit:

AYES: COUNCIL MEMBERS: BENNETT, JOHSZ, MORAN, ROGERS

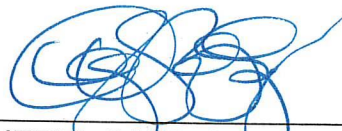
NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: MARQUEZ

I, CHERYL BALZ, City Clerk of the City of Chino Hills further certify that summaries of the Ordinance were published on February 29, 2020 and March 14, 2020 in the Chino Hills Champion newspaper.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Chino Hills, California, this 11th day of March, 2020.



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 OF CHINO HILLS, AMENDING SECTION 16.38.043 OF THE CHINO HILLS MUNICIPAL CODE.

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

Dated this 11th of March, 2020.

A handwritten signature in blue ink, appearing to read "Cheryl Balz", is written over a horizontal line.

CHERYL BALZ, CITY CLERK

PROOF OF PUBLICATION

STATE OF CALIFORNIA
County of San Bernardino

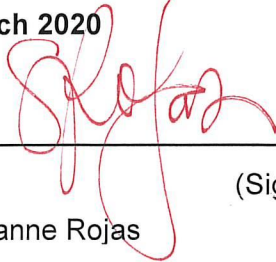
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the CHINO CHAMPION, a newspaper of general circulation, printed and published weekly 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:

March 14, all in the year 2020

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

Dated at Chino, California, this **14th** day of

March 2020



(Signature)

Suzanne Rojas

Champion

Serving the Chino Valley and Chino Hills

9th & D Streets • P.O. Box 607

Chino, California 91708

Phone: (909) 628-5501

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. 353

NOTICE IS HEREBY GIVEN that on March 10, 2020, the City Council of the City of Chino Hills adopted Ordinance No. 353 entitled:

AN ORDINANCE OF THE CITY OF CHINO HILLS, AMENDING SECTION 16.38.043 OF THE CHINO HILLS MUNICIPAL CODE.

The Ordinance amends Title 16 of the Chino Hills Municipal Code, Chapter 16.38.043 Temporary Signs Placed in Connection with a Single Exhibition Event to reorganize the section, eliminate annual "Applicant Registration", add one intersection to the list of regulated intersections, add requirement for Real Estate or Broker License number to the application, add provision to have permit adhered to both sides of the signs, re-design of the physical permit, and add an enforcement section.

Ordinance No. 353 was adopted by the City Council by the following vote:

Ayes: Bennett, Johsz, Moran, Rogers

Noes: None

Absent: None

Abstain: Marquez

A certified copy of the full text of Ordinance No. 353 is available for review in the office of the City Clerk, City of Chino Hills, 14000 City Center Dr, Chino Hills DATED: March 11, 2020

s/CHERYL BALZ, CITY CLERK

PUBLISH: Chino Hills Champion

Saturday, March 14, 2020

207-20

MAR 24 2020

ACCOUNTS PAYABLE