

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL MONTE AMENDING PORTIONS OF CHAPTER 17.04 (DEFINITIONS) AND CHAPTER 17.88 (FREEWAY OVERLAY ZONE BILLBOARDS) OF THE EL MONTE MUNICIPAL CODE; AND APPROVING GENERAL PLAN AMENDMENT NO. 04-19 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO GENERAL COMMERCIAL AND ZONE CHANGE NO. 02-19 TO CHANGE THE ZONING DESIGNATION FROM R-3 (MEDIUM DENSITY MULTIPLE FAMILY DWELLING) TO C-3 (GENERAL COMMERCIAL) FOR PROPERTIES WITH APNS 8566-003-900 AND 8566-003-901 TO EXPAND THE FREEWAY OVERLAY ZONE

WHEREAS, the City Council of the City of El Monte (the "City Council" of the "City") adopted Ordinance No. 2914 in 2017 establishing El Monte Municipal Code ("EMMC") Chapter 17.88 Freeway Overlay Zone Billboards to allow the installation of billboards in a specified freeway overlay zone;

WHEREAS, the City Council of the City wishes to provide expanded opportunities for the construction of new and relocated billboards, from within the City and state, pursuant to the terms of this Ordinance No. ____/Code Amendment No. 770;

WHEREAS, such expanded opportunities shall be facilitated through the expansion of the overlay zone as reflected in **Exhibit "A"** to this Ordinance;

WHEREAS, adoption of this Ordinance No. ____/Code Amendment No. 770 is compatible with the EMMC and promotes the public health, safety and welfare of the citizens of the City;

WHEREAS, the City seeks to implement amendments to the General Plan Land Use Designation and Zoning Designation for properties with APNs 8566-003-900 and 8566-003-901 and amendments to portions of Chapter 17.04 (Definitions) and Chapter 17.88 (Freeway Overlay Zone Billboards) of the EMMC to provide expanded opportunities for the construction of new and relocated billboards, while ensuring the public safety and welfare through its exercise of its police power;

WHEREAS, notice of a Planning Commission public hearing on November 12, 2019 to consider Ordinance No. ____; Code Amendment No. 770; General Plan Amendment No. 04-19; and Zone Change No. 02-19; was effectuated in accordance with the publication requirements set forth in California Government Code Section 65090;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 12, 2019 concerning the prospective recommendation set forth herein at which evidence, both written and oral, was presented;

WHEREAS, after such public hearing, the Planning Commission adopted Planning Commission Resolution No. 3561 finding the proposed Ordinance No. ____; Code Amendment No. 770; General Plan Amendment No. 04-19; and Zone Change No. 02-19 to be consistent with the General Plan and General Plan Economic Development Element which include: 1) Supporting business; 2) Expanding employment opportunities; and 3) Increase local revenues; and recommending approval of said Ordinance to the City Council; and

WHEREAS, notice of a City Council public hearing on December 3, 2019 to consider this Ordinance No. ____/Code Amendment No. 770 was effectuated in accordance with the publication requirements set forth in California Government Code Section 65090.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The recitals above are true and correct and incorporated into the body of this Ordinance No. ____/Code Amendment No. 770 by this reference as if fully set forth herein.

SECTION 2. Findings. The findings supporting Code Amendment No. 770, General Plan Amendment No. 04-19, and Zone Change No. 02-19, as set forth in Planning Commission Resolution No. 3561, are incorporated into the body of this Ordinance No. ____/Code Amendment No. 770 by this reference as if fully set forth herein.

SECTION 3. The existing definition of “Freeway Overlay Zone” as set forth in Section 17.04.020 (Definitions) of Chapter 17.04 (Definitions) of Title 17 (Zoning) of the El Monte Municipal Code is hereby amended to read as follows:

“Freeway Overlay Zone” shall mean a zone that overlays the areas adjacent to the I-10 Freeway and California State Route 19 as shown on the official Freeway Overlay Zone map adopted by the El Monte City Council and, which allows for the placement of new and relocated billboards that conform to Chapter 17.88 (Freeway Overlay Zone) and the California Outdoor Advertising Act.”

SECTION 4. Section 17.88.020 (Establishment of Freeway Overlay Zone) of Chapter 17.88 (Freeway Overlay Zone Billboards) of Title 17 (Zoning) of the El Monte Municipal Code is hereby amended to read as follows:

The Freeway Overlay Zone established pursuant to this Chapter 17.88 shall be as reflected in the map approved by the City Council on _____ and attached to Ordinance No. _____ as Exhibit "A."

SECTION 5. Subsection A of Section 17.88.030(A) (General Requirements) of Chapter 17.88 (Freeway Overlay Zone Billboards) of Title 17 (Zoning) of the El Monte Municipal Code is hereby amended to read as follows:

- A. The requirements of this Chapter 17.88 shall apply to any project involving the installation or construction of a new billboard, or billboards, or relocated billboard, or billboards, or the expansion, modification, or digitization of an existing billboard, or billboards, within the Freeway Overlay Zone, or the addition of additional face(s) to an existing billboard within the Freeway Overlay Zone. Billboards shall be permitted in the Freeway Overlay Zone only after an Agreement has been negotiated and executed between the property owner and/or billboard operator and City, and any requisite permits have been issued in accordance with the terms of this Chapter 17.88. An existing billboard or digital billboard in existence on the effective date of this ordinance pursuant to a prior agreement (including any amendments or extensions thereof) or other lawful permit may be relocated and rebuilt only within the Freeway Overlay Zone. All billboards constructed within the Freeway Overlay Zone shall comply with this Chapter 17.88 and all applicable requirements of the California Business and Professions Code and the California Outdoor Advertising Act.

SECTION 6. Subsection (H)(9) of Section 17.88.030 (Physical Requirements) of Chapter 17.88 (Freeway Overlay Zone Billboards) of Title 17 (Zoning) of the El Monte Municipal Code is hereby amended to read as follows:

9. All billboards shall be placed at least two hundred fifty (250) feet from any residential zone, unless it can be demonstrated by the positioning of the digital panels that there is no significant additional light intrusion than if the digital panels are placed at least 250 feet away. Billboard proposals requesting to be located within two hundred fifty (250) feet of any residential zone shall provide a site-specific light and glare study to be reviewed and approved by the Community and Economic Development Director. The measurement shall be from the closest edge of the billboard to the closest edge of the residential zone or closest property line on which a residential use is located.

SECTION 7. Subsection C of Section 17.88.040 (Application Requirements; Review Procedures) of Chapter 17.88 (Freeway Overlay Zone Billboards) of Title 17 (Zoning) of the El Monte Municipal Code is hereby amended to read as follows:

- C. Design Review. The Planning Commission shall review and approve, conditionally approve, or deny the construction or reconstruction of a billboard in accordance with Chapter 17.22 Design Review.

SECTION 8. CEQA/Environmental. An Initial Study & Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (“CEQA”) and determined that the proposed Code Amendment No. 770; General Plan Amendment No. 04-19; and Zone Change No. 02-19 is not expected to have significant adverse environmental impacts as the following mitigation measure reduced all impacts to less than significant, as follows:

Mitigation Measure No. 3 (Tribal Cultural Resources). The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the installation sites. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground-disturbing activities.

SECTION 9. Inconsistent Provisions. Any provision of the El Monte Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

SECTION 10. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 11. Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent. To the extent the provisions of the El Monte Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 12. Publication and Effective Date. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this ____ day of _____, 2019.

André Quintero
Mayor of the City of El Monte

ATTEST:

Catherine A. Eredia
City Clerk of the City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Catherine A. Eredia, City Clerk of the City of EL Monte, hereby certify that the foregoing Ordinance No. _____ was introduced for a first reading on the ___th day of _____, 2019 and approved for a second reading and adopted by said Council at its regular meeting held on the ___th day of _____, 2019 by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Catherine A. Eredia
City Clerk of the City of El Monte

Exhibit "A"
Freeway Overlay Zone

